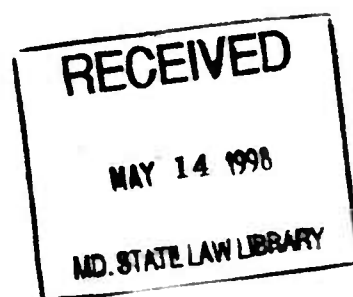


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REPORT OF
THE COURT OF APPEALS SELECT EVALUATION COMMITTEE
ON
COURT REPORTING METHODS

MD. Ju 1.2:CRM/991
Report of the Court of
Appeals Select Evaluation
Committee on Court
Reporting Methods

November, 1991

ACKNOWLEDGMENT

This report is the product of a committee comprising members of diverse backgrounds. Each of the committee members brought with them a special knowledge and experience which contributed to a thorough and balanced analysis in this committee's effort to evaluate video recording in the courtroom and other equivalent court reporting methods. I thank them for the time they took out of their busy schedules to attend our meetings at locations around the State and in completing their individual assignments which contributed to the evaluation and the completion of the committee's report.

Special thanks are in order to Frank Broccolina and the Administrative Staff for their assistance in putting the report together and particularly for Mr. Broccolina's analysis of the survey results from the attorney and judicial questionnaires.

Robert L. Ferguson, Jr.
Chairman

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Baltimore City

Prince George's County

COMMITTEE MEMBERS

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Civil Litigator; Chairman, Litigation Section, Maryland State Bar Association - 1990-91; Executive Board, Bar Association of Baltimore City, 1990-92.

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Circuit Court for Prince George's County; former civil and criminal trial practitioner; Member Maryland State Bar Association, Member Board of Governors (1972-1985); Fellow, Maryland Bar Foundation, Women's Law Center.

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- Mr. Frank Broccolina**, Deputy State Court Administrator
Former Court Administrator, Circuit Court for Baltimore County.
- Ms. Suzanne H. James**, Court Administrator, Seventh Judicial Circuit; National Association of Trial Court Administrators; former administrator in District of Columbia Court System.

WITNESSES

The following witnesses personally appeared before the committee to provide testimony concerning various court reporting methods:

- | | |
|---------|--|
| 9/12/91 | Alfred Betz, President, Maryland Shorthand Reporter Association. |
| 8/13/91 | Robert Wallace, Court Administrator, Circuit Court for Anne Arundel County. |
| 8/13/91 | Connie Toures, Chief Court Reporter, Circuit Court for Anne Arundel County. |
| 7/16/91 | Joy Nichol and Doris Goldstein, Deposition Services, Inc. |
| 7/16/91 | Susan Sheldon, Chief Court Reporter, Circuit Court for Baltimore City. |
| 6/17/91 | Judi Ozuransky, Keyword Associates. |
| 6/17/91 | Barbara Wasielewski, Compuscribe. |
| 6/17/91 | Steve Levine, Technical Services, Circuit Court for Montgomery County. |
| 5/1/91 | Alfred Betz, Betz & Strouse, Inc. Court reporters (real time demonstration). |
| 5/1/91 | Tammy Jaffe, certified court reporter (CAT and real time demonstration). |

5/1/91

David Saari, Esq., Professor, American University; Member, District of Columbia Bar; former court administrator, Portland, Oregon; project consultant to National Center for State Court's study on video recording.

PUBLIC HEARING

Conducted on October 1, 1991, Court of Appeals Building, Annapolis.

Testimony given by:

Geoffrey Hunt, Owner, Hunt Reporting Company; Past President, Tri-State Stenomask Verbatim Reporters Association; Vice President, President Elect, National Stenomask Verbatim Reporters Association and National Association of Stenomask Court Reporters.

Written testimony submitted by:

The Hon. William O. Carr; Circuit Court for Harford County.

The Hon. Edward A. DeWaters, Jr.; Circuit Court for Baltimore County.

The Hon. Graydon S. McKee, III; Circuit Court for Prince George's County.

The Hon. Audrey E. Melbourne; Circuit Court for Prince George's County.

The Hon. William D. Missouri; Circuit Court for Prince George's County.

The Hon. Sandra A. O'Connor; State's Attorney for Baltimore County.

Stephen A. Markey, Esq.; Markey, Parris and Sandul.

Lawrence B. Rosenberg, Esq.; Rosenberg & Brown, P.A.

Brian C. Denton, Chief; Juvenile Division, Office of the Public Defender.

SUMMARY

In comparing the various reporting systems, the committee concluded that the most effective and reliable means for court reporting were those methods that employed a system for in-court monitoring of the court proceedings to ensure accurate recording.

Audio and video systems were found to be acceptable; although, their performance and reliability improved as a function of in-court monitoring in order to verify equipment function and accommodate variations in presentation. Video recording has a place in the courts as an approved method of recording legal proceedings. Video and audio recording have the advantage of presenting a verbatim record of the proceedings provided adequate care is given to the quality of the equipment in use and appropriate adjustments are made to variations in positioning or presentation. The traditional court stenographer trained in computer-aided transcription represents an accurate, reliable, and versatile form of reporting. As with any other court reporting method, its success is dependent upon the competence of the reporter and the effective administration of the reporting process. It has the incumbent advantage of a stenographer present at all times to monitor the progress of the proceeding and to accommodate variations in presentations so that the necessary adjustments can be made to ensure accurate recording.

The following court-reporting methods were found to achieve acceptable levels of recording, reliability, and clarity for transcription provided proper procedures were implemented to monitor the progress of the proceedings:¹

1. Stenotype reporting.
2. Stenotype reporting with computer-aided transcription.
3. Stenotype reporting with computer-aided transcription and real time display.
4. Centralized eight-track audio recording.
5. Four-track audio recording.
6. Videotape recording.

The use of video and audio recording systems can alleviate personnel and budgetary problems without the risk of encountering a greater incidence of recording and transcription errors. The frequency of recording and transcription errors can be mitigated by the implementation of administrative procedures, daily equipment checks, and periodic monitoring of recordings, as well as procedures for in-court logging of the

¹ Stenomask audio recording was not specifically examined by the committee.

progress of the proceedings. The monitoring of transcription service and procedures is equally important in assuring the timeliness and quality of transcripts.

During the evaluation of video and audio systems, concerns over the quality of the audio record were expressed and evaluated. Some degree of in-court monitoring of the proceedings is an important procedure to employ in trying to achieve the best quality in audio or video recording. It is important to continually evaluate the quality and positioning of the microphone equipment. Video courtrooms in Baltimore City have experienced some weaknesses in lighting and sound reproduction. Experience has shown, however, that periodic review of tape transcripts from each courtroom will alert the court staff to the need for lighting adjustments, repositioning, or the need for enhanced audio equipment. Court personnel should be aware of zones that may cause the recording to be impaired as a result of the positioning of the litigants and should bring this to the attention of the litigants during the proceedings. Quality control should be required by appropriate administrative procedures adopted by the court.

RECOMMENDATIONS

In conducting its assignment and making its recommendations, the committee did not evaluate or recommend standards for court reporters, their qualifications or certification, nor did the scope of the committee's undertaking include a comparative cost analysis of the various court reporting methods examined. The committee's goal was to evaluate the quality and acceptability of video court reporting in comparison with other existing methods of court reporting.

1. Video recording is an acceptable method for recording courtroom proceedings in the circuit courts.
2. Computer-aided transcription (CAT) reporting is an accurate, reliable, and versatile form of reporting.
3. Administrative procedures, personnel, and training are critical in ensuring the quality and reliability of the recording of courtroom proceedings using any one of the court reporting methods studied by the committee. The audio capability (i.e., microphones, audio tracks) of either video- or audio-based recording systems is a critical element in obtaining the best possible record. Jurisdictions are encouraged to ensure a level of quality assurance as it relates to equipment, functional operations, and administrative oversight. Procedures also should be implemented to monitor and assure the timeliness and quality of transcript production.
4. CAT reporting should be available for use in complex and/or multi-party cases. CAT provides versatility such as daily copy, real-time translation, and the capability of becoming a part of an expanded computer-integrated courtroom (CIC) system which can be used to enter information directly into a court's automated case management system.
5. If video recording is authorized on a permanent basis, the Maryland Rules of Procedure should require preparation of a written transcript for appellate use. The video record should not be part of the appellate record although review of the video by the appellate court may be necessary in some limited circumstances. It should not be used by the appellate court to evaluate the demeanor or credibility of witnesses. A written transcript is necessary for appellate practitioners. Experience by committee members in reviewing videotapes, as well as reports of video evaluations in other jurisdictions, indicate that the length of time for reviewing video transcripts can be burdensome when preparing an appellate brief and record extract.
6. The official videotape recording of any proceeding should be treated the same as court reporters' notes. Provisions should be made for safekeeping and

storage for a specified time period (currently court reporters' notes are retained for 12 years). Access to the official videotape record should continue to be restricted as provided in Maryland Rule 1224B. The only official public appellate record should be the written transcript.

7. The expansion of the number of video courtrooms in a jurisdiction should be allowed. However, the use of traditional stenographic court reporting, preferably CAT, should be encouraged and available in a certain number of courtrooms in order to provide a higher level of quality and reliability in complex and/or multi-party cases.
8. In cases involving testimony by rape victims, children, informants, or in other sensitive matters, the court should switch the video cameras away from recording the image of the witness in order to protect the privacy of the witness.
9. Audio systems for recording of circuit court proceedings should be centralized 8-track, stand-alone 8-track, or 4-track systems. Some degree of monitoring is important for all audio systems. A full time operator is preferable if 4-track audio systems are used since fewer microphones and tracks to isolate different subjects makes that system more susceptible to inaudibles unless someone is present to monitor and make adjustments to variations in presentation.
10. Jurisdictions are encouraged to evaluate their own needs for maintaining a court record and apply available technologies to these needs. The determination of which court reporting system(s) should be used in a particular jurisdiction should be based upon the needs of the jurisdiction, the volume of work handled by that system, and the availability of experienced court reporting personnel. The cost considerations should be evaluated by the local jurisdictions.

BACKGROUND

The adoption of Maryland Rules 1224A and 1224B, and the implementation of the videotape recording of circuit court proceedings were motivated by a crisis with court reporters in Baltimore City of significant proportion. Prince George's County was asked to participate in the experiment in order to assist in the evaluation of innovative court reporting methods that could be utilized in their new court facility under construction during 1991. On November 22, 1989, the Court of Appeals adopted Rules 1224A and 1224B which became effective January 1, 1990, and permitted the use of videotape reporting in a limited number of courtrooms in Baltimore City and Prince George's County.²

The new rules governing videotape recording of circuit court proceedings required that the Court of Appeals evaluate the videotape court reporting program "in comparison to existing methods of court reporting, audiotape recording and other methods of court reporting then reasonably available."³ As a result, this committee was appointed by Chief Judge Robert C. Murphy in February, 1991, to conduct the evaluation required by the new rules.

The Circuit Court for Baltimore City, one of the largest and busiest judicial circuits in the State of Maryland, began to experience increasing problems with court reporting in the mid-to-late 1980's. The high turnover in personnel, combined with budgetary problems and the difficulty in obtaining qualified replacements, caused the Baltimore City Circuit Court to experience a severe problem with the backlog in transcript production and increased requests to the appellate courts for time extensions to prepare transcripts.⁴ For a period of time before the implementation of video recording, the Circuit Court for Baltimore City was compelled to hire free lance reporters on a daily basis to provide adequate reporter coverage to all courtrooms. The problem was not only a strain on the budget, but it became very difficult to permit personal leave to other full-time court reporters. The implementation of video reporting in several courtrooms in Baltimore City eased reporter staffing and facilitated assignments from the existing pool of reporters. The Circuit Court for Baltimore City continues to employ approximately 24

² Maryland Rule 1224A.a.1 authorized the Administrative Judge in Baltimore City to implement videotape recording of court proceedings in up to but not more than, six courtrooms and two hearing rooms. Rule 1224A.a.2 authorized the Administrative Judge in Prince George's County to implement videotape recording of court proceedings in up to but not more than, two courtrooms.

³ Maryland Rule 1224B.

⁴ From 1986 to 1989, 23 new court reporters were hired by the Circuit Court for Baltimore City. During that same time, 27 reporters left employment, of which 21 resigned, 5 retired and 1 was discharged for cause.

official court reporters, including 11 stenotype reporters (9 of which use computer-aided transcription - CAT). The remaining reporters use four-track audio or stenomask reporting systems. Budgetary information indicates that the savings attributed to the video-based reporting system in Baltimore City is estimated at approximately \$250,000 annually.

After the adoption of Maryland Rules 1224A and 1224B, video recording was implemented in the Circuit Court for Prince George's County in January 1990 and in the Circuit Court for Baltimore City in April, 1990. The Circuit Court for Prince George's County began experimenting with video reporting in one courtroom. It began with a dual video/CAT reporting system during the evaluation period and has evolved gradually to just the video reporting system in that courtroom. Prince George's County recently has completed a major courthouse addition which has been wired to allow for the flexibility to install video, audio, or computer-aided reporting systems.

In Baltimore City six new courtrooms have been constructed with video equipment. Judges assigned to these courtrooms also have video available in chambers to use for on-the-record hearings. There are also two additional hearing rooms available where video recording systems are relied upon for official court reporting. Once operation began, the video courtrooms and hearing rooms relied solely upon the video recording systems. A four-track audio recording system was installed in one courtroom in the Circuit Court for Baltimore City to record on-the-record proceedings in court and in the judge's chambers. This system is monitored by an experienced court reporter. There has been no back-up stenographer or other court reporting system used in any of the Baltimore City video courtrooms or hearing rooms.

METHODOLOGY

As part of its evaluation process, the committee invited a number of witnesses to appear before it to testify concerning available court reporting methods and to demonstrate existing systems and the latest technology in court reporting methods. The scope of the committee's investigation included:

1. Surveys of court administrators from each of the judicial circuits to obtain information concerning the types of court reporting methods in use in those circuits. (Appendix)
2. Members of the committee reviewed videotapes of court proceedings conducted in Prince George's County and Baltimore City and compared the videotapes to transcripts which had been prepared by court reporting services.
3. A special survey was submitted to over 1,900 civil and criminal litigators throughout the State. (Appendix)
4. A special survey was submitted to circuit court and appellate judges to determine their experience and reaction to video, audio and traditional court reporting methods. (Appendix)
5. A public hearing was conducted on October 1, 1991 to give the public the opportunity to present observations and comments on video and other court reporting methods or to submit written comments concerning available court reporting methods. (Appendix)
6. Interviews with judges, attorneys, and other court reporting personnel were conducted by individual committee members to discuss comments and observations concerning video court reporting methods and other available court reporting methods.
7. A review and evaluation of materials and other data gathered by various national organizations concerning court reporting methods. (Appendix)
8. Demonstrations of video, audio, and computer-aided court reporting equipment in Baltimore City, Prince George's County, and Montgomery County.

COURT REPORTING METHODS

Video Court Reporting Systems

The pilot video court reporting project began January 2, 1990 when one system went into active operation in Prince George's County. The second of the two video operations authorized for Prince George's County will begin operation in January of 1992. All authorized systems began operation in Baltimore City in April of 1990.

Both jurisdictions employ systems designed and installed by Jefferson Audio Visual Systems (JAVS), the pioneer company in this technology. The system consists of five or more voice-activated cameras in each courtroom and one in the judicial chambers. A wall switch enables chambers conferences to be recorded on the record. A locked computer box houses the switching, volume, date, time, tracking, and other functions. Monitors are located on the judge's bench, the clerk's desk, and in the judge's chambers. A large monitor is provided for jury viewing of depositions, instructions, and review of evidence. A deck, which accommodates four recording cassettes and a playback cassette, rests on the floor near the bench. The equipment is non-intrusive and functions appropriately.

The operation requires the use of two and up to four simultaneous recordings which engage by the use of a simple "record" button. Three visual green signals and one audio signal monitor the devices. When the tape ends, an audible signal sounds and the green light goes out on the clerk's bench and the judge's bench, signalling a need to replace the tape. This replacement takes about the same time as it takes a stenotype reporter to change paper.

Two copies of the tapes are identified "A" and "B" and labelled with the case numbers of the proceedings it contains. A log is kept, recording the time exhibits are identified and admitted, the beginning and end of direct and cross examination, and the identity and time of each witness testifying. Tapes are placed in storage in numerical order, the "A" copy and the "B" copy in different locations.

Transcription requests, are handled by qualified private transcriptionists or by the staff court reporters, if they wish. Transcriptionists use a hi-fidelity video playback machine with a foot pedal control. No delays in the preparation of appellate transcripts have been reported. With the use of private transcriptionists and staff court reporters, the problem of backlog in Baltimore City seems to have been eliminated.

Properly administered, video recording can achieve clear, audible audio, enhanced by the video image. Foreign words or technical terms can be replayed as many times as needed if the transcriber is unfamiliar with the term. Although some "inaudibles" are being reported, videotapes reviewed by committee members, reports of studies in other states, and the experience of the video project in Baltimore City indicates that generally

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video recordings can produce accurate, verbatim records of the court proceedings.⁵ With some level of monitoring and careful administrative procedures, video recordings can achieve an accuracy level equivalent to transcripts from audio or stenotype. Most of the weak spots in video recordings occurred during bench conferences where hushed conversations were taking place. This was more prevalent when there were more than three persons participating, in addition to the judge, and is attributed to weak microphone coverage or lack of care on the part of individuals and the judge to speak into, or in proximity to, the microphone. Consideration should be given to additional microphones at the bench and/or a lapel microphone for the judge.

It has been reported to the committee that except for ordinary maintenance and regular replacement of some components required under the service agreement with JAVS, there has been virtually no "down time." A high quality tape is being used. Tapes of inferior quality tend to stick in the machine and cannot be ejected.

A trial judge's interaction with the system is limited, but crucial to its successful operation. The record/stop button is pushed to begin/end sessions. Since the jury is never on camera, the record must clearly reflect that the jury is present. The judge must push a "mute" switch to keep the jury from hearing bench conferences. The same switch, in a different position, locks the video component on, or away from, a particular witness. Because there is no "professional guardian of the record" the judge must remember to have witnesses give the correct spelling of names and insure that movement of attorneys is limited and that everyone involved in the proceedings speaks loudly and clearly.

After initial curiosity, litigants and staff seem unaffected by the cameras. The video component may be directed away from the faces of rape victims, minors, informants, or witnesses in other sensitive cases and record only the voices. Chambers conferences with children have been conducted without difficulty.

With safeguards built into the system, no records have been lost to play-over. No clerical oversight has resulted in any failure of log entry or loss of material. On one occasion it was reported that the video record was not made because the court forgot to

⁵ As indicated earlier, the video courtroom in the Circuit Court for Prince George's County originally was implemented using both video recording and a CAT reporter. The CAT reporter was designated as the official reporter and was therefore the source of all appellate transcripts. In July 1991, the CAT reporter was removed from the video courtroom. As a result, the video courtroom in Prince George's County only recently has generated appellate transcripts produced from video recordings. Although committee members have reviewed some videotapes from this courtroom, there has been little opportunity for the committee to review and compare the written transcripts produced from video recordings.

turn on the record. This occurred early in the pilot project. Administrative procedures and check lists have been implemented to minimize this type of occurrence.

On only two occasions has the appellate court, under the provisions of the rule, requested that the videotape be forwarded for review. One of those occasions addressed the question of whether or not the jury had been present when a particular scenario occurred. The second situation involved certain instructions or comments made by the trial judge.

The media has expressed little or no interest to date in obtaining copies of the tapes. On one occasion, the media was allowed a copy of a portion of testimony in a case after the trial was over upon an order of court and consent of all parties. Ordinarily the video record is not available for public access. Copies of the official video record may only be obtained by parties to the proceeding or the court reporter for transcribing purposes. Presently, copies of the official video record are available to third parties only upon order of the court.⁶ Maryland Rule 1224B provides an adequate procedure to limit access to the tapes and protect the rights of interested persons.

Maintenance on the system has been accomplished promptly, courteously, professionally, and with a minimum of intrusion.

During the initial evaluation leading up to the implementation of the video pilot project, materials were provided by interested parties which addressed such concerns as malfunctions, lost records, inaudible records, and other problems allegedly associated with video. These problems proved to be minimal or subsequently, have been overcome by the state of the art technology in use in Baltimore City and Prince George's County. Early systems did present problems, but technology has helped resolve those problems. Materials provided by the National Center for State Courts report an overwhelming current acceptance of this system in courts employing it.

A shortcoming of the system is the inconvenience of instant replay to "read the question back," but this too is a limitation of the audio systems that have been in use in other counties for several years. Another drawback is the inability to obtain the "instant" transcription which is available with stenographic computer-aided transcription (CAT). In the Baltimore City pilot video project, litigants have been able to obtain daily copy from videotapes in less than twenty-four hours. Copies of the official tape record are also available to the parties on a daily basis. In other cases where it is important for litigants to have daily copy, litigants have employed their own CAT reporter for that particular proceeding.

⁶ Maryland Rule 1224B

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The Maryland Rules currently require that a written transcript be prepared in connection with any appeal.⁷ It is crucial that written transcripts of video recorded proceedings be required in appellate proceedings for several reasons. Use of the transcripts by appellate judges alleviates concern that the appellate judges may substitute their own judgment for that of the "trier of fact" in evaluating the credibility of witnesses. Also, a written transcript is faster to review and is necessary for the appellate attorney to underline, write in the margin, and digest the material at reader's speed, not by real time video watching and note taking.⁸ This is particularly necessary for the appellate divisions for the Public Defender and Attorney General staffs, who work with appeals where they had no involvement in the trial.

It is absolutely necessary that new video systems be installed by video contractors with the most extensive experience and reliability. According to national experience, accepting "low bid" installation and cheap cassettes, may result in serious operational problems. Fiscal authorities must be informed of the importance of these critical factors when procuring new systems. The technology for video court reporting continues to improve and expand and should be evaluated as part of the procurement process for any new video courtrooms. Currently, video systems are being developed with improved indexing features to cross reference to docket entries, as well as systems that will have the ability to integrate to some degree with computer-integrated courtroom (CIC) technology.

As with any significant change, there is reluctance to relinquish existing technology and methods and to embrace the new technology and ideas. Education of the litigants, court staff, and judges helps dispel fears and concerns over the reliability and accuracy of video reporting. Video recording has a place in the courts as an approved method of recording legal proceedings.

Computer-aided Reporting Systems

Use of computer-aided transcription (CAT) is a technological approach to aid, improve, and expedite the stenotype method of recording and transcribing by reducing the reporter's involvement in the burdensome transcript preparation process.

⁷ Maryland Rule 8-411

⁸ The burden of reviewing a court record by reviewing the video record was noted by members of the Committee who reviewed and compared certain video records with the prepared transcripts. The survey and study of video court reporting conducted by the National Center for State Courts also noted problems and complaints with the length of time required to review video transcripts and the difficulty in locating certain testimony where a written transcript was not available.

The CAT process normally consists of six fundamental operations and procedures:

1. Reporter orientation and training to acquaint him or her with the equipment and procedures of a CAT system;
2. Recording of courtroom testimony onto a modified stenotype device, which produces paper notes while simultaneously recording electronic codes or data onto computer discs which can be read by computer input devices;
3. Development of a court reporter dictionary or profile which adjusts computer translation to each reporter's unique style;
4. First-run translation of the electronically recorded stenotype notes into reasonably accurate English prose;
5. Text-editing to correct any errors in the format or text of the transcript produced in the previous step; and
6. Printing of the final official transcript.

Computer-aided transcription systems have been evaluated extensively and found to have the following benefits:

- Increases transcript production dramatically and decreases transcript delays when used instead of traditional stenographic reporting.
- Is economically competitive with traditional transcription methods.
- Permits better utilization of court reporters for both recording courtroom testimony and preparing official transcripts.
- Users can achieve a 95 % accuracy on first run translations and an editing rate of 25 to 60 pages per hour.

Potential expansion of computer-aided transcription systems includes real-time translation of the proceedings. This technology translates shorthand symbols (or computer data) into English text almost instantaneously and displays the text on a computer monitor. The Computer-Integrated Courtroom (CIC) advances computer-aided transcription even further by integration with litigation support software for research purposes; indexing of text with videotape; and ability to input case related information and docket entries into a court's automated information system.

Audio-Reporting Systems

Centralized Eight-track Systems

Audio technology removes the court reporter from the responsibility of recording the court's proceedings. Eliminating the human element for this type of recording media has been controversial, on a national level. However, 8-track recording systems have been evaluated extensively and found to possess the following benefits:

- Audio produces a verbatim record of the proceedings.
- The system is not reporter dependent.
- The court maintains continuous and exclusive control of the record of proceedings and of case files.
- Transcript production is faster.
- Despite the large initial capital outlay, the court benefits from substantially reduced personnel costs.
- Questions arising about the accuracy of a typed transcript are resolved by listening to the tape.
- Tapes of the daily proceedings are available almost immediately .
- Case processing at the appellate level is expedited.

The Circuit Court for Montgomery County employs an 8-track reel-to-reel central recording system. The courtrooms are equipped with eight microphones strategically placed, each of which records the proceeding on a separate track, on one tape.

A small control box is located in the clerk's area and on the judge's bench. Once activated, a green light and revolving counter numbers inform the judge and clerk simultaneously that the recording of proceedings has been established. This recording monitor can be deactivated at any time by a push of the button.

During bench conferences, the clerk or judge will activate a "husher" or "white noise" (electronically produced sound patterns of varying frequency) to prevent the jury from listening to proffers at the bench. One PZM microphone (very small 1" x 1") is anchored permanently in front of the judges bench so that various bench conferences are fully recorded.

The main control unit for all courtrooms is centrally located and monitored by technical staff, usually trained in-house, with yearly update seminars by the manufacturer of the system. This control room houses sixteen permanently mounted 8-track recording machines, as well as all the tapes recorded since 1981. Three portable 8-track machines are available for the Administrative Judge's hearing room, grand jury, and one spare. Eighteen courtrooms can run simultaneously with a staff of five trained employees.

The recording center monitors the taping of all courtrooms and monitors the volume unit meters for the various courtroom recordings. Staff are fully trained to operate, clean, and perform minor repairs on all equipment necessary for the recording operations of the court.

Montgomery County has been successful in providing daily copy to litigants. Transcripts of proceedings can be ordered through the staff of the court and are typed by an individual contractor within specified time frames of one day, five days, and ten days. Over the past eleven years, the costs per page are the contractors direct cost; therefore, the court generates no profit, keeping the costs to litigants minimal.

Cassettes can be duplicated from the 8-track reel-to-reel tape by a high speed duplicating machine and can be ordered at any time, at any length. Any individual can order a cassette at a fraction of the cost of a transcript.

Four-track Systems

Between 1962 and 1964, the Circuit Court for Anne Arundel County moved from stenomask reporting to an audio-based recording system while retaining the court reporting staff to operate the audio equipment. During the past thirty years, Anne Arundel County has dealt and experimented with many types of audio equipment and presently records the court proceedings on portable 4-track audio recording devices which are monitored continuously by official court reporters in each courtroom. The courtrooms are equipped with five microphones, each recording on a 4-track tape on separate channels. The plaintiff, defense, witness, and judge each have a microphone with the fifth microphone located near the jury box.

Although this system is recorded fully on audio media, and the court reporter takes no traditional type of steno notes, Anne Arundel County employs ten court reporters who are responsible for the record and typing transcripts of daily proceedings from the audio media when requested. These reporters monitor the progress of in-court proceedings. In addition to logging events such as when each witness testifies, the time of opening statements, closing arguments, and bench conferences, these reporters also continuously monitor and verify the quality of the recording. They are able to make contemporaneous adjustments by switching microphones as attorneys move about the courtroom, or specifically

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remind an individual to raise his or her voice or speak into a microphone. These reporters also provide their own word processors, transcribing machines, and employ their own typist, if needed.

Attorneys, law clerks, and judges only may listen to the tapes in the reporters' office after making an appointment with the reporter responsible for the daily proceedings. Parties are discouraged from listening to the tape because it is the only court record of the proceedings and may be damaged with use. Duplicate tapes are not available for sale, only transcripts are available for purchase. Four-track audio systems with in-court monitoring by a court reporter are used in several other jurisdictions, including Baltimore City.

AUDIO AND VIDEO COURT RECORDS

Transcription

Since a written transcript is required for appeals, appellate lawyers are the primary consumers of the records. The committee met with transcription services used by Montgomery County and Baltimore City and investigated other transcription methods used in other counties.

It is recommended that videotapes be transcribed using equipment designed for that purpose, and that the audio portion from a videotape not be down loaded to audiotape for transcribing purposes. It was noted by members of the committee in reviewing video records that variations in sound quality were often explained by the type of play-back equipment being used. The typical home video recorder is an adequate play-back device, but it must be high fidelity, not stereo, in order to reproduce the best sound from the recording.

The service used by Baltimore City (a Montgomery County-based court reporting firm) uses equipment designed by the company that installed the video equipment and has experienced no problems with compatibility. The play-back equipment used by transcribers is high fidelity and employs an easy method for quick play-back and review of short segments of the video. The company contracted by Montgomery County also uses equipment compatible with the audio system and has no problem producing quality transcripts including daily copy.

Few extension requests have been necessary for submission of video or audio transcripts.

Record Keeping and Storage

A log sheet kept by the courtroom clerk indexes all proceedings and trial events on each videotape, indicating the time, case name and number, and names of participating attorneys. A copy of the log is given to the transcriber, and a copy also is filed with the off-site tape. Tapes are stored at the point of last usage, since there is no need to rewind. Prior to storing, the record-protection tab is removed from each tape to prevent inadvertent recording over. The original tape is stored on sliding wall racks designed for the storage of video tapes, with add-on capabilities. A duplicate copy of each tape is stored off-site. Although it is too early to determine first hand, the committee has been advised that the video tapes can be stored indefinitely at room conditions without the risk of deterioration. Each tape is labelled with identifying information such as the date, court, and presiding judge. Tapes also are labelled with a special warning against reproduction or dissemination to unauthorized persons as required by Maryland Rule 1224B. Audiotapes logged and are stored in a similar manner.

Administrative Considerations

As the committee pointed out in its recommendations, it is critically important that administrative procedures be formulated and enforced in the operation of either a video- or audio-based reporting system. Procedures similar to those adopted in Baltimore City and Prince George's County may serve as models for other jurisdictions and are included in the Appendix of this report. The development of procedures should include the determination of certain levels of quality assurance as it relates to the performance of the equipment, system operations, and managerial oversight. Particularly important is the need to conduct periodic and random reviews of the recordings to ensure quality control of the record.

Training (Equipment related)

In Baltimore City, the video systems are managed from the Chief Court Reporter's Office. Training was provided by the video contractor and is facilitated by the relative ease of system operation. Judges coming into a video-equipped courtroom for the first time operate the system with few problems.

Instructional information pertaining to the system was made available to attorneys and participants during the early months of the project, and is still available, explaining the process, as well as information on how to order transcripts and copies of video tapes.

Spot checks are made of tape quality and recording habits of judges and adjustments are made where necessary.

Maintenance

It is important that good quality tapes be used to prevent jamming problems and/or film deposits on video heads from inferior tapes. The video systems are serviced and repaired by the JAVS technicians, who have been very responsive. Problems have been minimal and no problems have been experienced which have caused a system to be inoperable. Maintenance and cleaning are performed regularly on a contractual basis.

SURVEY OF ATTORNEYS AND JUDGES

In addition to the personal interviews and individual videotape and transcript comparisons conducted by committee members, the committee sought to gauge the reaction of both judges and attorneys as it related to their individual experience and perceptions with various court reporting methods. The committee prepared separate attorney and judge questionnaires to measure their respective responses. The judicial questionnaire was sent principally to circuit court judges in Baltimore City and Anne Arundel, Montgomery, and Prince George's Counties. These jurisdictions were selected for survey purposes because of their experience with a diversity of reporting methods including video, audio, computer-aided, and stenotype.

The attorney questionnaire was sent to over 1,900 litigators including members of the Maryland State Bar Association Litigation Section and Criminal Procedure Section, as well as State's Attorney's and Public Defender's offices in Baltimore City and Prince George's County. Over 400 individual responses were returned with the major metropolitan jurisdictions accounting for 81% of the total responses.

For the most part, both the attorneys and judges surveyed indicated support for video- and audio-based court reporting; although, respondents generally indicated a preference for stenographic reporting. Overall, respondents indicated that the quality of video reporting was adequate for recording circuit court proceedings. The responses indicated general support for the pilot programs and an acknowledgment of their benefits. A more comprehensive analysis of these responses is contained in the Appendix of this report for review.

APPENDICES

APPENDIX A
MARYLAND RULES 1224A AND 1224B

MARYLAND RULES OF PROCEDURE

Rule 1224A. Videotape Recording of Circuit Court Proceedings

a. Authorization

1. Subject to the provisions of this Rule, the Circuit Administrative Judge in Baltimore City may authorize the recording by videotape of proceedings required or permitted to be recorded by Rule 1224 d in up to but not more than six courtrooms and two hearing rooms. The Circuit Administrative Judge shall certify to the Court of Appeals the date that recording by videotape officially commences pursuant to this Rule.

2. Subject to the provisions of this Rule, the County Administrative Judge in Prince George's County may authorize the recording by videotape of proceedings required or permitted to be recorded by Rule 1224 d in up to but not more than two courtrooms. The County Administrative Judge shall certify to the Court of Appeals the date that recording by videotape officially commences pursuant to this Rule.

3. Unless extended by the Court of Appeals through an amendment to this Rule, the authorization to record proceedings by videotape shall terminate three years after the earlier of the dates of commencement certified pursuant to subsections 1 and 2 of this section. The termination of authorization to record proceedings by videotape shall not affect the use of videotapes made prior to the termination as provided in Rules 1224B and 8-415.

b. Evaluation by Court

After any videotape recording program authorized by section a of this Rule has been in operation for a reasonable period but prior to the expiration of the three year period provided for in subsection a 3 of this Rule, the Court of Appeals shall evaluate the results of the program in comparison to existing methods of stenographic court reporting, audiotape recording, and any other method of court reporting then reasonably available. The Chief Judge of the Court of Appeals shall appoint a committee consisting of one or more judges, lawyers, court personnel, court reporters, and other interested and knowledgeable persons to assist the Court in its evaluation.

c. Identification

The clerk shall affix to the videotape a label containing the following information:

1. the name of the court;
2. the date on which the videotape was recorded;
3. the docket reference of each proceeding included on the tape; and
4. any other identifying letters, marks, or numbers.

d. Trial Log; Exhibit List

The clerk or other designee of the court shall keep a written log identifying each proceeding recorded on a videotape and, for each proceeding recorded on the tape, a log listing the tape references for the beginning and end of each witness' testimony and an exhibit list. The original logs and exhibit list shall remain with the original papers in the circuit court. A copy of the logs and the exhibit list shall be kept with the videotape.

e. Presence of Court Reporter Not Necessary; Conflicts With Other Rules.

1. If circuit court proceedings are recorded by videotape, it is not necessary for a court reporter to be present in the courtroom.

2. In the event of a conflict between this Rule and another Rule, this Rule shall prevail.

(Added Nov. 22, 1989, effective Jan. 1, 1990)

Rule 1224B. Access to Videotape Recordings of Proceedings in the Circuit Court

a. Control - In General.

Videotape recordings made pursuant to Rule 1224A are under the control of the court having custody of them. Access to and copying of those recordings are subject to the provisions of this Rule.

b. Direct Access.

No person other than a duly authorized court official or employee shall have direct access to or possession of an official videotape recording.

c. Right to Copy; Restrictions.

1. Upon written request and the payment of reasonable costs, the authorized custodian of an official videotape recording shall make a copy of the recording, or any part requested, available to:

(A) a party to the action or the party's attorney; and

(B) a stenographer or transcription service designated by the court for the purpose of preparing an official transcript from the recording.

2. Unless authorized by an order of court, a person who received a copy of a videotape recording pursuant to this section shall not (A) make or cause to be made any additional copy of the recording or (B) except for a non-sequestered witness or an agent,

employee, or consultant of the attorney, make the recording available to any person not entitled to it pursuant to this section.

d. Other Persons.

1. This section does not apply to the videotape of (A) a criminal proceeding, (B) a revocation of probation proceeding, or (C) any proceeding that is confidential by law. The right to obtain a copy of a videotape in those proceedings is governed solely by section c of this Rule.

2. A person not entitled to a copy of a videotape recording pursuant to section c of this Rule may file a request to obtain a copy pursuant to this section. The person shall file the request with the clerk of the circuit court in which the proceeding was conducted and shall serve a copy of the request pursuant to Rule 1-321 on each party to the action.

3. A party may file a written response to the request within five days after being served with the request. Any other interested person may file a response within 5 days after service of the request on the last party to be served.

4. The clerk shall refer the request and all responses to the judge who conducted the proceeding.

5. If the action is still pending in the court, the court shall deny the request unless (A) all parties have affirmatively consented and no interested person has filed a timely objection or (B) the court finds good cause to grant the request. If the action has been transferred to another circuit court, the court shall transfer the matter to that court. If judgment has been entered in the action, the court shall grant the request unless it finds good cause to the contrary, but the court may delay permission to obtain the copy until either all appellate proceedings are completed or the right to further appellate review has lapsed.

(Added Nov. 22, 1989, effective Jan. 1, 1990)

APPENDIX B

SUMMARY OF COURT REPORTING METHODS SURVEY

Court Reporting Methods Survey

The Committee attempted to gauge the reaction of both judges and attorneys as it related to their experience and perceptions with a variety of reporting techniques. Within this context, the results of this inquiry cannot be categorized as scientific, but more as anecdotal to supplement the Committee's more extensive study. The scope of the survey instruments and the limited resources available to the Committee precluded a more thorough and exhaustive examination of the accumulated data.

Judicial Questionnaire

The judge questionnaire is divided into several components:

1. demographic data;
2. data relating to the subject of court reporters and how they compare to both audio and video technology with respect to dependability, reporting reliability, and their transcript product;
3. data addressing video as it relates to perceptions of its effect upon the performance of lawyers and judges within the courtroom, its use as a teaching tool, and its potential benefits being diminished by the time consuming nature of its review;
4. summary questions directly addressing the advantages or disadvantages of video and audio, respectively as they relate to a court reporter; and
5. open-ended commentary.

Response Rate

Jurisdiction	No. Questionnaires Mailed	No. Questionnaires Returned	Response Rate (%)
Anne Arundel	9	8	88.9
Baltimore City*	25	19	76.0
Montgomery	15	8	53.3
Prince George's	19	9	47.4
Total	68	44	64.7

*One additional questionnaire was received from Baltimore City on September 27, too late for inclusion in this data.

Judicial Experience

Jurisdiction	Total Years Experience	No. of Respondents	Mean	Median
Anne Arundel	86	8	10.8	12
Baltimore City	134	19	7.1	7
Montgomery	55	7	7.9	7.5
Prince George's	70	9	7.8	4

Experience with Reporting Methods

Reporting Method(s)	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total % of Respondents
steno/CAT		2			4.5
video					0.0
audio	6		3		20.5
steno/CAT & video		1			2.3
steno/CAT & audio	2	6	3	3	31.8
steno/CAT, video & audio		9	1	6	36.4
video & audio		1	1		4.5

Court Reporters

Question 7 and questions 22 through 27 generally treat the subject of court reporters and how they compare to both audio- and video-based reporting technology with respect to their dependability, reporting reliability, and their transcript product.

Court Reporter-based Reporting Response Rate (%)

Questions	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total
7. (cannot be replaced)	25.0	33.3	0	50.0	28.6
22. (more dependable than video)	33.3	20.0	0	50.0	24.3
23. (more dependable than audio)	28.6	31.3	0	75.0	33.3
24. (more faithful record than video)	33.3	12.5	0	28.6	16.2
25. (more faithful record than audio)	28.6	29.4	0	57.1	28.2
26. (more accurate transcript than video)	50.0	15.4	0	42.9	23.5
27. (more accurate transcript than audio)	50.0	30.8	12.5	71.4	38.2

Of those responding to these questions, 69.9 percent did not think the court reporter had a significant advantage over audio- or video-based reporting.

In Anne Arundel County, two respondents indicated experience with both steno/CAT and audio-based reporting: the first respondent (15 years experience) indicated in 71.4 percent of the questions a preference to the technology; however, the respondent didn't believe that either video or audio produced a more accurate transcript through a transcription service; the second respondent (14 years experience) indicated a 100 percent preference for a court reporter over the technology. It is interesting to note that in this audio-based jurisdiction there was only a slight preference for audio technology over video.

Of the 19 respondents from Baltimore City, 9 (47.4 percent) indicated experience with steno/CAT, audio-, and video-based reporting. Of those respondents 77.7 percent of their responses indicated a favorable disposition toward the audio and video technology. It is interesting that the two respondents with the longest judicial tenure (14 and 13 years, respectively) indicated the strongest preference for the audio and video technology.

Montgomery County was 98.2 percent favorably disposed to the audio- and video-based reporting methods. Of the 8 respondents, 4 (50.0 percent) indicated experience with steno/CAT and audio technology and 96.4 percent of their responses were favorable to the audio and video technology.

In Prince George's County, it is interesting to note that they indicated the highest positive response to court reporters, but preferred video-based reporting decidedly over audio-based reporting as it relates specifically to dependability and transcript accuracy. Of the 9 respondents, 6 (66.6 percent) indicated experience with steno/CAT, audio-, and video-based reporting systems. Only 39.4 percent of their responses were disposed favorably toward the audio and video technologies. Two of these respondents (each with 4 years judicial experience) indicated a 100 percent preference for a court reporter over the alternative technologies.

Videotape-based Reporting

These questions specifically address video-based reporting as it relates to perceptions of its affect upon the performance of lawyers and judges within the courtroom, its use as a teaching tool, its potential for malfunction, and its potential benefits being diminished by the time-consuming nature of its review.

**Video-based Reporting
Response Rate (%)**

Questions	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total
14. (malfunction)	66.7	41.2	12.5	62.5	43.6
15. (lawyers posture)	57.1	27.8	37.5	37.5	36.6
16. (improved performance)	37.5	31.6	12.5	50.0	32.6
17. (lawyers posture)	50.0	76.5	50.0	37.5	59.1
18. (innocuous)	75.0	94.1	71.4	62.5	80.0
20. (objection)	100	89.5	75.0	75.0	86.0
21. (teaching tool)	100	94.7	100	87.5	95.2
28. (benefits offset by time required to review)	42.9	17.6	57.1	42.3	34.2
29. (improved litigation quality)	40.0	56.3	14.3	42.3	42.9

Over fifty-seven percent (57.2) of the responses to these questions viewed video-based reporting as having potential benefits with marginal negative effects. It is not surprising that only 12.5 percent of the Montgomery County respondents were concerned with malfunction given their rather lengthy experience with a central audio-based reporting system. On the other hand, 66.7 percent of the Anne Arundel County respondents where a stand-alone, audio-based reporting system is used, displayed concern with potential malfunction. This response (5) may be mitigated somewhat by the fact that court reporters presently operate and monitor the audio system. Of the 17 respondents indicating experience with videotape, 47.4 percent expressed concern over possible equipment malfunction. It is interesting that only 40.0 percent of those respondents without any video experience were concerned about malfunction with 5 not responding to the question.

There was a fairly even distribution among respondents as to whether lawyers tend to perform or posture before the cameras. However, 80.0 percent of those responding felt that after a short adjustment period judges and lawyers become oblivious to the cameras.

Only 32.6 percent of the respondents believed that lawyer performance was improved by being on videotape and correspondingly, 42.9 percent felt that videotape had a positive effect on the quality of the litigation. However, 95.2 percent of those responding recognized the use of videotaped proceedings as a teaching tool.

Respondents appeared to have no objection to videotaped proceedings (86.0 percent) if the recording faithfully represented the proceedings, didn't create additional work for staff, and did not malfunction. Only 34.2 percent of those responding felt that any potential benefits of videotape are offset by the length of time it takes to review.

Judges and Court Proceedings

These questions sought to elicit perceptions about video-based reporting as an aid to the judge conducting court proceedings and as a benefit to litigants and jurors.

Judicial Proceedings Response Rate (%)

Questions	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total
8. (case of review)	100	94.4	62.5	37.5	78.0
9. (appellate review)	50.0	52.6	12.5	75.0	48.8
10. (media)	66.7	50.0	62.5	50.0	55.8
11. (jury instructions)	87.5	72.2	75.0	50.0	71.4
12. (defendant identification)	50.0	76.5	75.0	75.0	70.7
13. (child witnesses)	12.5	58.8	50.0	37.5	43.9
19. (operation control)	87.5	47.4	87.5	100	72.1

Seventy-eight percent of the respondents like the ability to review proceedings without the need for a transcript or a court reporter. Over sixty-eight percent (68.2) of those responding expressed concern about appellate review from videotape as it relates to the findings by the trier of fact. Somewhat surprisingly, only 44.2 percent of the respondents felt it inappropriate for the media to be provided videotape of an on-going trial.

A majority of respondents indicated that videotape had potential benefits as they related to jurors (71.4 percent) and criminal defendants (70.7 percent). Judges were less convinced of videotape being advantageous over a court reporter in chamber proceedings involving children (43.9 percent).

A large majority (72.1 percent) of those responding did not want the responsibility of controlling the mechanical operation of the videotape system while on the bench.

Comparison of Video or Audio Proceedings to Court Reporter

Questions 30 and 31 directly addressed the advantages or disadvantages of audio- and video-based reporting systems, respectively as they relate to a court reporter.

**Video v. Court Reporter
Response Rate (%)**

Question	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total
30.	71.4	73.7	50.0	37.5	61.9
no opinion	0	15.8	25.0	37.5	19.0

**Audio v. Court Reporter
Response Rate (%)**

Question	Anne Arundel	Baltimore City	Montgomery	Prince George's	Total
31.	62.5	43.8	100	25.0	55.0
no opinion	25.0	37.5	0	25.0	25.0

A majority of respondents (61.9 percent) indicated the advantages of video-based reporting over the court reporter with 19.0 percent indicating that there are equally as many advantages as disadvantages with the videotape.

A majority of 55.0 percent of those responding indicated that audiotape was more advantageous than a court reporter with 25.0 percent not taking a definitive position.

It is interesting to note that in Anne Arundel County where the court operates an audio-based reporting system only 62.5 percent of those responding indicated audio being more advantageous than a court reporter. Twenty-five percent of those responding didn't take a definitive position and 12.5 percent indicated a court reporter advantage. It is even more interesting that 71.4 percent of Anne Arundel County respondents indicated videotape as being more advantageous than a court reporter, while reporting only a 62.5 percent preference for audiotape.

In Prince George's County while only 37.5 percent of the respondents indicated a videotape advantage, only 1 of 6 (16.7 percent) respondents with videotape familiarity or experience indicated the medium as more advantageous than a court reporter. Conversely, in Baltimore City 8 of 11 respondents (72.7 percent) with videotape experience indicated a videotape advantage.

Judicial Comments

Comments in Anne Arundel and Montgomery favored audio- over video-based reporting. In Prince George's County comments indicated that video and audio should supplement court reporters in certain types of proceedings. In Baltimore City, comments seemed to recognize certain benefits or advantages in comparison to court reporters.

Anne Arundel

1. "See no advantage of video over audio."
2. "Prefer audio."
3. "Prefer audio."
4. "A good reporter is better than a good machine."

Baltimore City

1. "Major asset of videotape is judicial freedom; major asset of court reporter is 'instant replay' - video replay cumbersome."
2. "Video is inappropriate in all cases; reservations about reliability. Court reporter more reliable."
3. "Court reporter is more reliable (e.g., audibility of witnesses)."
4. "Videotape efficient, accurate, and economical method; reduces personnel costs and problems."
5. "Most enthusiastic about video."
6. "Questionnaire 'skewed' in favor of videotape."
7. "The court doesn't have to wait for court reporters or be concerned about working late."

Montgomery County

1. "Not in favor of videotape."
2. "Question cost of videotape."

3. "Audio more flexible, multi-track audio systems better than video."
4. "Audio superior to video."
5. "Review of videotape would be [more] cumbersome than reading transcript."

Prince George's County

1. "Quality of audiotape system and equipment makes a big difference."
2. "Certain proceedings at which court reporter is not needed."
3. "Video and audio only should supplement court reporters, but not replace them - certain court proceedings lend themselves to audio/video while others require court reporter."
4. "Concern about video and audio equipment within judges' chambers (invasion of privacy) - inconvenience for judge to remember to switch on equipment."
5. "CAT real-time superior to any other form of court reporting."

Attorney Questionnaire

The survey instrument is divided into several sections:

1. demographic information;
2. experience with various reporting methods;
3. comparative inquiries treating court reporters, audio- and video-based reporting;
4. reporting method preference (stenographic, audio, or video); and
5. open-ended commentary.

The attorney questionnaire was disseminated to approximately 1900 members of the Litigation Section and Criminal Procedure Section of the Maryland State Bar Association, as well as to the State's Attorney's Offices and Public Defender's Offices in Baltimore City and Prince George's County. There were 442 respondents representing approximately 20 percent of the survey population. The major metropolitan jurisdictions accounted for 81.9 percent of the total responses.

Response Rate
(% of those responding)

Jurisdiction	No. Questionnaires Returned	% of Total Response
Anne Arundel	16	3.6
Baltimore	47	10.6
Montgomery	93	21.0
Prince George's	51	11.5
Baltimore City	155	35.1
Total	362	81.9
Other Jurisdictions	80	18.1
GRAND TOTAL	442	100.0

Court Reporters

Questions 13, 14 and 23 through 28 generally treat the subject of court reporters and how they compare to both audio- and video-based reporting technology with respect to their dependability, reporting reliability and their transcript product.

**Court Reporter-based Reporting
Response Rate (%)**

Questions	Anne Arundel	Baltimore	Montgomery	Prince George's	Baltimore City	Statewide Total %
13. (delayed proceedings)	14.3	19.5	11.4	20.0	25.0	18.4
14. (transcript not timely)	28.6	36.6	25.9	8.9	52.6	35.6
23. (more dependable than video)	64.3	65.1	26.5	65.9	53.0	49.9
24. (more dependable than audio)	80.0	76.6	33.3	85.4	77.4	65.5
25. (more faithful record than video)	42.9	45.2	10.0	50.0	32.8	30.6
26. (more faithful record than audio)	78.6	78.3	29.5	80.9	67.1	59.5
27. (more accurate transcript than video)	71.4	60.5	40.5	66.6	65.6	58.4
28. (more accurate transcript than audio)	85.7	77.7	51.8	85.1	77.6	71.6

Respondents generally indicated a strong preference for court reporters in each category. It is interesting to note that in Anne Arundel County, which relies on audio recording of proceedings in both the District Court and Circuit Court, that 80.0 percent of those responding indicated that a court reporter was more dependable than audiotape and that 85.7 percent indicated that a court reporter produced a more accurate transcript than a transcription service working from audiotape. This reaction may be attributable to the arrangement in the Circuit Court for Anne Arundel County that requires official court reporters to monitor from the audiotape recording of the proceedings and prepare transcripts from those proceedings.

In contrast, Montgomery County respondents also with an audio-based method of reporting indicated that the audio system was more dependable than court reporters (66.7 percent); however, 51.8 percent of respondents agreed that court reporters produced a more accurate transcript than transcription from the audio.

With respect to the question addressing transcript delay, 35.6 percent of the respondents statewide indicated experience over the past five years with delay in transcript production. In Baltimore City, 52.6 percent of those responding had a similar experience.¹

There appeared to be a consensus among respondents that videotape produced a more faithful record of the proceedings (69.4 percent statewide). However, those responding also indicated that court reporters produced a more faithful record than audio (59.5 percent statewide).

There was an even division of opinion among respondents as to the dependability of court reporters compared to videotape (49.9 percent of those responding indicated court reporters were more dependable statewide).

Videotape-based Reporting

The questions pertaining specifically to videotape-based reporting included respondent experience as it relates to delays or interruptions, lateness of either the videotape record or the transcript produced from the record, as well as opinions on potential benefits.

**Video-based Reporting
Response Rate (%)**

Questions	Anne Arundel	Baltimore	Montgomery	Prince George's	Baltimore City	Statewide Total %
8. (delayed proceedings)	0.0	7.4	6.3	8.1	8.7	7.5
9. (delay caused by malfunction)	0.0	2.6	1.6	0.0	2.4	1.5
10. (record unavailable)	0.0	2.6	1.6	0.0	5.6	2.8
15. (transcript not timely)	8.1	5.4	3.2	6.1	10.8	6.8
29. (benefits offset by time required for review)	69.2	46.3	41.9	62.2	53.1	49.3
30. (improved litigation quality)	38.5	41.5	57.1	37.2	50.4	47.4

¹The delay in transcript preparation has been alleviated since the implementation of video reporting in Baltimore City.

The areas soliciting responses relating to delay, malfunction, and transcript production were in each instance more favorable across the state when contrasted with similar inquiries pertaining to court reporters. However, this general disposition may be moderated somewhat by the lack of extensive experience with video-based reporting systems statewide.

A examination of the responses to similar inquiries from the video pilot sites in Baltimore City and Prince George's County may be more enlightening and provide a more reliable comparison of the data.

**Video-based/Court Reporter-based
Response Rate (%)**

Questions	Video Response		Court Reporter Response	
	Baltimore City	Prince George's	Baltimore City	Prince George's
delayed proceedings	8.7	8.1	25.0	20.0
transcript not timely	10.8	6.1	52.6	8.9

Once again there appears to be a comparatively favorable response to the video-based system within this more focused analysis.

A further delineation of the data was made to examine responses of those individuals indicating prior video-based experience. There were 64 respondents from the major metropolitan areas who indicated experience with videotaped proceedings; this represents 16.9 percent of all those responding from these areas.

**Video-based Reporting - Videotape Experience
Response Rate %**

Question	Anne Arundel	Baltimore	Montgomery	Prince George's	Baltimore City	Total %
8. (delayed proceedings)	0.0	0.0	0.0	20.0	17.2	7.4
9. (delay caused by malfunction)	0.0	0.0	0.0	0.0	3.6	1.7
10. (record unavailable)	0.0	0.0	0.0	0.0	10.3	2.1
15. (transcript not timely)	20.0	0.0	0.0	12.5	16.7	9.8
29. (benefits offset by time required for review)	100.0	33.7	25.0	58.3	40.7	51.5
30. (improved litigation quality)	40.0	0.0	83.3	23.1	41.7	37.6

With respect to those questions relating to any delay of proceedings attributable to equipment failure, the unavailability of the videotape for review, or the untimeliness of a transcript prepared from a videotape, respondents with prior experience indicated less of a problem or concern than those without experience.

Questions 31 and 32 directly addressed the advantages or disadvantages of audio- and video-based reporting systems, respectively as they relate to a court reporter.

**Videotape v. Court Reporter
Response Rate (%)**

Question	Anne Arundel	Baltimore County	Montgomery	Prince George's	Baltimore City	Statewide Total %
31.	40.0	61.5	72.2	41.2	66.7	61.4
no opinion	66.7	42.2	45.5	37.9	27.7	43.2

**Audiotape v. Court Reporter
Response Rate (%)**

Question	Anne Arundel	Baltimore County	Montgomery	Prince George's	Baltimore City	Statewide Total %
32.	40.0	24.3	76.5	12.8	15.7	35.3
no opinion	18.9	31.3	25.3	22.0	30.6	26.9

It seems evident from the data that with the exception of Montgomery County most respondents indicated clearly that the court reporter had significant advantages over audiotape systems. However, the responses relating to video indicated that video had greater advantages than the court reporter (61.4 percent statewide). Clear exceptions to this general reaction were Anne Arundel and Prince George's Counties.

The final question examined attempted to solicit a preference for stenographic, audio- or video-based reporting systems.

**Reporting Method Preference
Response Rate (%)**

Jurisdiction	Videotape	Audiotape	Stenographic
Anne Arundel	2	2	10
Baltimore County	13	2	26
Montgomery	25	34	6
Prince George's	12	2	25
Baltimore City	51	10	71
Total	103 (35.4%)	50 (17.2%)	138 (47.4%)
Other Jurisdictions	16	12	36
GRAND TOTAL	119 (33.5%)	62 (17.5%)	174 (49.0%)

Of those responding, 51 percent preferred either videotape or audiotape systems to court reporters. There was a slightly higher preference (52.6%) for video or audio in the larger jurisdictions.

Attorney Comments

An attempt was made at distinguishing comments made by respondents indicating experience with audio- or video-based reporting systems and those with no comparable experience.

Baltimore City - With Video/Audio Experience

The majority of comments indicated relatively inferior quality of transcripts produced from audiotaped proceedings.

Comments with respect to videotape recording seem to center less on its ability to produce an accurate transcript as much as concern about its use during the proceedings as it relates to bench conferences, off-the-record discussions, and issues of privacy and attorney-client privilege.

Baltimore City - No Prior Video Experience

Comments were relatively supportive of court reporters. Once again, there were criticisms of audio-based systems. Comments were also critical of video-based systems with criticism centering upon its potentially negative affect upon behavior in the courtroom.

Prince George's County - With Video/Audio Experience

Comments were once again supportive of court reporters as it relates to their transcript production. Commentary on videotape was mixed with a equal amount of support and criticism.

Prince George's County - No Prior Video Experience

Comments pertaining to videotape were cautious calling for further experimentation and its use as a secondary record.

Allegany County

(no comments)

Anne Arundel County - With Videotape Experience

(no comments)

Anne Arundel County - Without Videotape Experience

1. "I hate the kind of reporting where the reporter uses a mask."
2. "Video depositions seem to have lapses in the transcript."

Baltimore City - With Videotape Experience

1. "More work needed on indexing of video and audio for scanning purposes."
2. "Audiotape transcription generally the poorest."
3. "Videotape provides the most accurate record but is less desirable for bench conferences and off-the-record discussions. Open microphones at the trial table inhibit discussion among co-counsel. Competent stenographers provide prompt and accurate transcripts; however, less competent reporters who are unfamiliar with technical terms do not provide accurate transcripts. Videotape may be preferable in complex cases."
4. "The most basic and important advantage of stenographic reporters is that a court reporter who does not hear something can ask that it be repeated, whereas an audio or videotape cannot."

5. "The quality of the audio portion of video needs improvement."
6. "Objection to video feature which permits judges and sheriffs to monitor conversations in the courtroom. It violates the attorney-client privilege."
7. "Problem with judges controlling the equipment frequently going off the record and attorney has no control over the record."
8. "Transcription is and should always be an open question."
9. "The problem with taped testimony is the widespread difficulty in obtaining daily copy from it."
10. "The quality of transcription from tape is abysmal."
11. "Audiotape without an operator monitoring its function never seems to produce an accurate record."
12. "Quality of the equipment is a big issue."
13. "I get more out of reading a transcript than viewing a tape."
14. "The quality of videotape is poor." -
15. "Transcripts from audiotape, although not as good as those prepared by a court reporter, are serviceable and usually sufficient."
16. "Use of audio inhibits movement around the courtroom."
17. "Cost is a factor favorable to video and audio."
18. "Video courtrooms present difficulty in complex multi-defendant cases which inhibits logistical adjustments."
19. "Appearing before video assisted in the preparation of my presentation."
20. "Video makes for grandstanding."
21. "The current use of video in the refurbished courtrooms of courthouse in Baltimore City seems to work well."
22. "True value of videotaping, if there is one, would be in court administration - recordkeeping and the processing of transcripts."
23. "The biggest problem in Baltimore City is to get timely transcripts."

Baltimore City - Without Videotape Experience

1. "The audio recording system in juvenile court is not good."
2. "Audiotape and videotape have problems differentiating between counsel in multiple party proceedings. Bench conferences are also a problem."
3. "Risk of equipment failure."
4. "Audio and video are not interactive with the proceedings."
5. "Presence of court reporter adds to the formality of the proceeding."
6. "Audiotape is acceptable in a District Court context."
7. "Stenographic ensures accuracy of the record."
8. "Written transcript better for review."
9. "Recording should be adjunct to court reporter."
10. "Official court reporters are seldom accommodating."
11. "Audiotape in Federal Court horrible."
12. "Video is cumbersome to work with."
13. "Video is distracting."
14. "Audio not helpful in District Court."
15. "In person court reporter best."
16. "Video useful in educating new lawyers."
17. "Video would invade the privacy of unwilling witnesses."
18. "Video could cause people to believe differently."
19. "Video is stilted and unpredictable in its effect."
20. "Audiotape transcripts are unacceptable."
21. "Video has a detrimental effect on witnesses and juries."

22. "It is inefficient and difficult to consider a case on appeal without a transcript if video is used as a record."
23. "Concern about the standard of review on appeal from a video."

Baltimore County - With Video Experience

1. "Court reporters can pick up what audio and video cannot."
2. "Video doesn't always pick up bench conferences."
3. "Reviewing video is very time consuming."
4. "District Court audio very poor."
5. "Steno makes a more salient record."
6. "Audio and video are cheaper."

Baltimore County - Without Video Experience

1. "District Court audio is worthless."
2. "Federal recording system is superior."
3. "Great advantage of video is the replay of witness testimony for the jury."
4. "Video enables a court proceeding to begin without waiting for a court reporter."
5. "Video is alarming to a witness."
6. "I feel safer with a human steno."
7. "Videotape is cheaper."
8. "Videotape depositions reduce frivolous objections and posturing."
9. "Need to encourage use of videotape records."
10. "Video has an adverse affect on the majority of trials and might create problems with objectivity."

Calvert County

(no comments)

Caroline County

(no comments)

Carroll County

(no comments)

Charles County - Without Videotape Experience

1. "I think District Court audiotape works very well. I assume videotape will work as well. An appellate court can now see and hear witnesses, and need no longer give as much deference to the trial judge on that account. Viva videotape."

Dorchester County - Without Videotape Experience

1. "Video will, for higher courts, give appellate attorneys the "floor" of the trial, will give thought into the manner in which trial judges handle the case, the impression the judge and litigants give the jury. I believe if it were universally adopted it would add to the professionalism of the trial practice."

Frederick County - With Videotape Experience

1. "Perhaps the best reporting method would be video recording backed by stenographic reporting. I would be hesitant to rely on video or audio due to the imperfections in the quality and the chance that the entire proceeding may not be recorded if the equipment failed. The quality would have to be consistently good for me to feel comfortable with video and audio."

Frederick County - Without Videotape Experience

1. "Though likely cost prohibitive, either video or audio would seem to need backup by a court reporter - too many times actual passages are garbled, indistinct, or lost through more than one person."

2. "Steno reporting is far superior method of court reporting. It generally provides a quick and accurate transcript. With proper equipment it can be loaded directly into a computer and hard copy transcript can be available in a few hours. Video places extra pressure on witnesses in an already stressful situation and I strongly disfavor any use of video equipment in the courtroom."

Harford County - With Videotape Experience

1. "Videotaping and replay to jury makes you try to get too much information into a short time frame and sometimes details are not explored the way you would fully do so in court."

Harford County - Without Videotape Experience

1. "Court stenographer plus audio would make record most accurate possible."

Howard County - With Videotape Experience

1. "Judges would be even more "on-stage" if they were being videotaped and be even less attentive than they are now."

Howard County - Without Videotape Experience

1. "There should be a court reporter with audio and video back-up."

Kent County

(no comments)

Prince George's County - With Videotape Experience

1. "Video makes witnesses nervous."
2. "Sound quality of most audio is terrible."
3. "Court reporter in courtroom ensures accurate and complete record."
4. "Proceeding often delayed to change audiotape."
5. "Best system is audio monitored by a court reporter."

6. "Court reporters are able to differentiate between people speaking at the same time."
7. "The danger in audiotape is verbalizing voices."
8. "District Court audio inadequate and unreliable."
9. "Video can be very effective."
10. "Video is excellent if a judge is ill-tempered."
11. "Audio is excellent if the court is apt to change the record or the reporter is inept."
12. "Loved real-time CAT."
13. "Court reporters are quicker and more efficient."
14. "Video/audio most effective for courtroom proceedings (e.g., arraignments, guilty pleas)."
15. "Video will keep the court honest."
16. "Court reporter ensures orderly presentation and prevents overlapping."
17. "Survey fails to recognize the difficulties presented particularly in criminal cases where victim identity is recorded and would be available to the press or defendant who may seek retaliation."

Prince George's County - Without Videotape Experience

1. "Audio and video may be useful as secondary records."
2. "Use of video improves the demeanor of judges."
3. "Video useful in hearing but not for appeals."
4. "Videotape needs to be used experimentally in a few more jurisdictions."

Queen Anne's County - Without Videotape Experience

1. "Many persons will be so conscious of their appearance on video that their testimony will be adversely affected. Merely being in a witness box makes many persons very nervous. If you add to that videotaping their every action, the distraction will be even more detrimental to getting full and complete answers."

St. Mary's County - Without Videotape Experience

1. "Audio is less clear because it includes all the courtroom background noise. It is oftentimes garbled. A good court reporter can't be beat in my opinion, for clarity of record."
2. "I believe video will be extraordinarily beneficial to the administration of justice while presenting no obstacles to attorneys, witnesses and the courts if properly done."

Talbot County

(no comments)

Wicomico County - Without Videotape Experience

1. "It will be a mistake to do away with individual courtroom stenographers. Technology can never substitute or replace the human being, especially in the setting of justice."

Washington, D.C. - No Videotape Experience

1. "Audiotape and the sound for video depend on microphones picking up voices. In my experience, voices are not always recorded and thus are lost. A stenographer will stop proceedings to clarify when he or she doesn't hear. A combination of video/audio and reporter would be ideal."
2. "Court reporters are invaluable. Videotape is for recording your children, not litigation."
3. "The court reporter can read back immediately which is often an advantage. They can also immediately indicate that the proceedings are not being recorded accurately because of multiple speakers or low voice which I don't believe is apparent to the audio monitor."

JUDICIAL QUESTIONNAIRE

COURT REPORTING QUESTIONNAIRE FOR TRIAL JUDGES

Please complete this questionnaire by August 30, 1991, and return to: Frank Broccolina, Administrative Office of the Courts, Courts of Appeal Building, Annapolis, Maryland 21401.

1. I have been a judge in the Circuit Court for _____ for _____ years.
2. I have had experience with the following methods of court reporting since I have been on the bench: (Please check the appropriate blanks)
 - (a) Stenotype, (including CAT) _____
 - (b) Audiotape _____
 - (c) Videotape _____
 - (d) Other (specify) _____
3. I have _____ have not _____ been exposed to materials/reports which speak against videotaped court proceedings.
4. I have _____ have not _____ been exposed to materials/reports advocating/encouraging the use of videotaped court proceedings.
5. I am familiar with the operation of at least one videotape court system.
Yes _____ No _____
6. I am familiar with the operation of at least one audiotape court system.
Yes _____ No _____

By circling the appropriate number, please tell us the extent to which you agree or disagree with the following statements:

	Agree Strongly	Agree	Disagree	Disagree Strongly
7. The court reporter is an important part of the court staff and can never be replaced by a machine.	1	2	3	4
8. I would like to be able to review proceedings at my leisure without having to order a transcript or ask a reporter to read it to me.	1	2	3	4
9. I am concerned that appellate judges will substitute their fact findings for those of the trial court.	1	2	3	4

	Agree Strongly	Agree	Disagree	Disagree Strongly
10. It is not appropriate for the media to be given videotape of ongoing trials.	1	2	3	4
11. I would like to be able to replay my jury instructions or, in some cases, portions of testimony for the jury, just as they heard and saw it the first time.	1	2	3	4
12. It is of benefit in a criminal motion to suppress LD. for the defendant to be able to see and hear the proceedings from another room without fortifying the victim's identification.	1	2	3	4
13. In a chambers proceeding, children would probably be more comfortable with video than with a court reporter in the room.	1	2	3	4
14. I have a concern that the video equipment will malfunction during trial.	1	2	3	4
15. Lawyers "play" to and posture themselves before the camera.	1	2	3	4
16. Judges and lawyers will probably perform their work better if they know they are being videotaped.	1	2	3	4
17. Lawyers do not perform differently with video.	1	2	3	4
18. After awhile, judges and litigants become oblivious to video, and act no differently in court than without it.	1	2	3	4
19. I do not want to have to work the video controls while I am on the bench.	1	2	3	4

	Agree Strongly	Agree	Disagree	Disagree Strongly
20. I have no objection to video tape use for court proceedings if it records the proceedings faithfully, does not cause extra work to the staff, and does not malfunction.	1	2	3	4
21. Videotaped proceedings can be of benefit as a teaching tool for lawyers, judges, and students.	1	2	3	4
22. A court reporter is more dependable than video equipment.	1	2	3	4
23. A court reporter is more dependable than audiotape.	1	2	3	4
24. A court reporter makes a more faithful original record than does videotape.	1	2	3	4
25. A court reporter makes a more faithful original record than does audiotape.	1	2	3	4
26. A court reporter will produce a more accurate transcript than a transcription service working from videotape.	1	2	3	4
27. A court reporter will produce a more accurate transcript than a transcription service working from audiotape.	1	2	3	4
28. Any special benefits of videotape are offset by the length of time it takes to review.	1	2	3	4
29. Having videotaped records of proceedings improves the quality of litigation.	1	2	3	4

30. Considering everything, I think making a video record of court proceedings, in lieu of a court reporter: (circle one)

Is a very
good
thing

Has more
advantages
than
disadvantages

Has as many
disadvantages
as advantages

Has more
disadvantages
than
advantages

Is a very
bad thing

1

2

3

4

5

31. Considering everything, I think making an audiotape record of court proceedings, in lieu of a court reporter: (circle one)

Is a very
good
thing

Has more
advantages
than
disadvantages

Has as many
disadvantages
as advantages

Has more
disadvantages
than
advantages

Is a very
bad thing

1

2

3

4

5

32. What have we NOT asked? Please note any comments you have about the pros or cons of using videotape or audiotape that you think we are overlooking or that you think are especially important.

Comments: _____

ATTORNEY QUESTIONNAIRE

COURT REPORTING QUESTIONNAIRE

Please complete this questionnaire by August 12, 1991, and return to: Frank Broccolina,
Administrative Office of the Courts, Courts of Appeal Building, Annapolis, Maryland 21401.

Part A - Length and Type of Experience

1. Approximately how many years have you practiced law?
2. What is the county of your principal practice?
3. Which of the following best describes your practice? (circle one)

1=general practice	4=mostly criminal
2=mostly civil plaintiff	5=mostly domestic relations
3=mostly civil defendant	6=other (specify) _____
4. During the past year, approximately how many times have you appeared "on the record" in any proceeding in Circuit Court? (circle one)

None	1-4	5-12	13-24	25-52	53+
------	-----	------	-------	-------	-----
5. During the past year, approximately how many times have you appeared in video-equipped courtrooms? (circle one)

None	1-4	5-12	13-24	25-52	53+
------	-----	------	-------	-------	-----
6. During the past year, approximately how many times have you appeared in audiotape-equipped courtrooms? (circle one)

None	1-4	5-12	13-24	25-52	53+
------	-----	------	-------	-------	-----
7. In the course of your career, have you ever used a court reporter equipped with a computer-aided transcription (CAT) for either of the following purposes:
 - (a) Expedited copy?

No	Yes
----	-----

If yes, in how many trials?
 - (b) Litigation support features?

No	Yes
----	-----

If yes, in how many trials?

Part B - Experience with Videotapes and Court Reporters

By circling the appropriate numbers, please indicate the frequency in which you have encountered the following situations:

IN YOUR EXPERIENCE WITH VIDEOTAPE:	CIRCLE ONE			
	Never	Rarely	Occasionally	Frequently
8. How often has a proceeding been delayed, or has a proceeding been interrupted because video equipment did not function properly?	1	2	3	4
9. How often have the parties agreed to proceed without a record to avoid delay when video equipment did not function properly?	1	2	3	4
10. How often has a videotape record you wanted not been available when it was supposed to be?	1	2	3	4
11. How often do you use the VCRs provided by the court to make your own recording of the proceeding?	1	2	3	4
12. How often have you had a videotape record transcribed into written form to make it easier to use?	1	2	3	4
13. How often has a proceeding been delayed or been interrupted because a court reporter was late, unavailable, or needed a break?	1	2	3	4
14. Within the last 5 years, how often has a transcript you ordered from a court reporter not been available when it was supposed to be?	1	2	3	4
15. How often has a transcript you ordered from a videotaped proceeding not be available when it was supposed to be?	1	2	3	4
16. How often have you ordered daily copy of a videotaped proceeding?	1	2	3	4

HOW VIDEOTAPES, AUDIO, AND TRANSCRIPTS ARE USED

In our research, we will be able to get objective information about transcripts ordered for appeals (the numbers of transcripts, page length, and the elapsed time from ordering to filing, etc.). What we cannot get is information about transcripts ordered by lawyers for purposes other than appeal, nor information about how lawyers use videotaped records.

Your response to the next set of questions will give us a much more complete picture of lawyers' experiences with trial court records.

17. During the past year, have you used *videotaped* records of court proceeding for any of the following purposes. (check any that apply)

- | | |
|---|--|
| <input type="checkbox"/> work on an appeal | <input type="checkbox"/> to improve your courtroom technique |
| <input type="checkbox"/> prepare for next day's trial | <input type="checkbox"/> to educate other attorneys |
| <input type="checkbox"/> prepare a motion or order | <input type="checkbox"/> for a client's information |
| <input type="checkbox"/> other (describe) | |

18. During the past year, about how many times have you ordered a trial transcript from a court reporter?

IF YOUR ANSWER IS 0, PLEASE SKIP TO QUESTION 23.

19. How many of these were

(a) video	<input type="checkbox"/>
(b) audio	<input type="checkbox"/>
(c) computer-aided transcript	<input type="checkbox"/>

20. About how long did it take to get the last transcript you ordered?

Number of: ☐ days ☐ weeks ☐ months (check one)

21. How would you rate the quality of the transcript?

	Excellent	Good	Average	Poor
audio	1	2	3	4
video	1	2	3	4
computer-aided transcript	1	2	3	4

22. What was the approximate page length of this transcript?

Part C - Opinion Survey

Please circle the appropriate number to indicate the extent to which you agree or disagree with the following statements.

	Agree Strongly	Agree	Disagree	Disagree Strongly
23. A court reporter is more dependable than video equipment.	1	2	3	4
24. A court reporter is more dependable than audiotape.	1	2	3	4
25. A court reporter makes a more faithful original record than does videotape.	1	2	3	4
26. A court reporter makes a more faithful original record than does an audiotape.	1	2	3	4
27. A court reporter will produce a more accurate transcript than a transcription service working from videotape.	1	2	3	4
28. A court reporter will produce a more accurate transcript than a transcription service working from audiotape.	1	2	3	4
29. Any special benefits of videotape are offset by the length of time it takes to review.	1	2	3	4
30. Having videotaped records of proceedings improves the quality of litigation.	1	2	3	4

31. Considering everything, I think making a video record of court proceedings, in lieu of a court reporter: (circle one)

Is a very
good
thing

Has more
advantages
than
disadvantages

Has as many
disadvantages
as advantages

Has more
disadvantages
than
advantages

Is a very
bad thing

1

2

3

4

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32. Considering everything, I think making an audiotape record of court proceedings, in lieu of a court reporter: (circle one)

Is a very
good
thing

Has more
advantages
than
disadvantages

Has as many
disadvantages
as advantages

Has more
disadvantages
than
advantages

Is a very
bad thing

1

2

3

4

5

33. Did the use of video affect your presentation?

No

Yes

34. Was there any media interest in the video recording?

No

Yes

35. Did the videotaping have any affect on youthful witnesses, jurors, or victims?

No

Yes

36. If a court had available video-recording, audio-recording, and stenographic reporting which would you prefer?

Does one method work better than another for a particular proceeding? i.e., arraignment, child custody, medical malpractice.

37. What have we NOT asked? Please note any comments you have about the pros or cons of using videotape or audiotape that you think we are overlooking or that you think is especially important.

Comments:

APPENDIX C

**SURVEY OF REPORTING SYSTEMS
IN THE CIRCUIT COURTS**

**SURVEY OF REPORTING SYSTEMS
IN THE CIRCUIT COURTS**

JURISDICTION	REPORTING SYSTEM(S)
ALLEGANY	Audio system
ANNE ARUNDEL	4-track audio operated by court reporters
BALTIMORE CITY	Combination of stenographic and mask court reporters, video, and audio
BALTIMORE COUNTY	Computer-aided transcription and stenographic
CALVERT	Stenographic reporting with audio as back-up
CAROLINE	4-track (Sony) audio, one operator
CARROLL	Electronic devices operated by court reporters
CECIL	Stenographic reporting
CHARLES	Stenographic reporting
DORCHESTER	Stenographic reporting
FREDERICK	Audio
GARRETT	4-track audio with operator
HARFORD	Stenographic reporting
HOWARD	Electronic recording
KENT	4-track (Sony) audio with one operator
MONTGOMERY	Centralized 8-track audio
PRINCE GEORGE'S	Combination of stenographic court reporters, video, and audio
QUEEN ANNE'S	Stenographic reporting with cassette tapes as back-up
SOMERSET	4-track audio
ST. MARY'S	Stenographic reporting
TALBOT	4-track audio with one operator
WASHINGTON	Audio system
WICOMICO	Stenographic reporting with machine back-up
WORCESTER	Stenographic reporting

APPENDIX D
SURVEY OF RELATED MATERIALS

SURVEY OF RELATED MATERIALS

A Comparative Evaluation of Stenographic and Audiotape Methods for United States District Court Reporting, Federal Judicial Center, July, 1983.

An Analysis of the Federal Judicial Center's Evaluation of Stenographic and Audiotape Methods for United States District Court Reporting, Resource Planning Corporation, Washington, D.C., October 12, 1983.

Appraisal of Electronic Centralized Recording System in the Circuit Court for Montgomery County, Maryland, National Center for State Courts, January, 1986.

Certification Examination Guidelines, Court Reporting and Recording Exams, The Michigan Court Reporting and Recording Board of Review

Computer-Aided Transcription in the Courts, National Center for State Courts, February, 1981.

Court Reporting Methods in Baltimore City, (An internal report dated April 23, 1991).

Court Reporting Services in Maryland, National Center for State Courts, March, 1976.

Do Video Transcripts Affect the Scope of Appellate Review? An Evaluation in the Kentucky Court of Appeals, James R. Maher, May 23, 1990.

Los Angeles Superior Court Electronic Recording Pilot Project Technical Report Pursuant to Assembly Bill 825, Los Angeles Superior Court Executive Office, November 16, 1988.

Seminar materials from "Technology in Court Reporting," Institute for Court Management, San Diego, March 20-22, 1991 (attended by committee member Pamela Quirk).

User's Guide to Computer-Aided Transcription, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, January, 1978.

Video Support in the Criminal Courts, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, October, 1975.

Videotaped Trial Records: Evaluation and Guide, William E. Hewitt, funded by the State Justice Institute, National Center for State Courts, 1990.

APPENDIX E
TESTIMONY SUBMITTED TO COMMITTEE
PUBLIC HEARING

The Circuit Court for Harford County

THIRD JUDICIAL CIRCUIT OF MARYLAND

BEL AIR, MARYLAND 21014

CHAMBERS OF
WILLIAM O. CARR
JUDGE

September 30, 1991

Mr. Frank Broccolina
Deputy State Court Administrator
Administrative Office of the Courts
Courts of Appeal Building
Annapolis, MD 21401

Re: Rule 1224A - Court Reporters

Dear Mr. Broccolina:

It is my understanding that there is an upcoming review of the question of the use of video tape recordings for Circuit Court proceedings.

I wish to reiterate the position that the Judges of the Circuit Court for Harford County took when this matter was originally proposed to the Court of Appeals and that is that we are totally satisfied with the use of Court Reporters in our Court system and would oppose any rule change that would make the use of video or sound recording systems as mandatory.

Our position is based on several factors. First, from our experience, Court Reporters do the job better than any sort of recording system. If a Court Reporter cannot understand what is being said, he/she simply stops the witness or attorney and asks them to repeat what was said. If an electronic system malfunctions or is unable to clearly pick up a particular witness, you do not discover it until the tape is transcribed and then it is simply too late. Second, sound systems take away the versatility that a Judge has to conduct hearings in chambers if he so desires. Often times, particularly sensitive matters require the greater privacy of a Judge's chambers to be dealt with. In addition, many matters can be dealt with very informally in a Judge's office without the need of going into the Courtroom to handle them if a Court Reporter is present. Electronic systems do not provide Judges with this flexibility.

While electronic recordings of Court proceedings undoubtedly have some place in the judicial system, I find it distressing that the entire judiciary must once again face major wholesale changes because certain large jurisdictions in the State are unable to keep their house in order. Time and again, we are confronted with changes in a system that is working perfectly well for the majority because the minority cannot seem to make things work.

Mr. Frank Broccolina
September 30, 1991
Page Two

Most of our Court Reporters have recently begun using a more modern computerized system. Our experience so far has been that by using the new technology that is available, transcripts can be prepared more efficiently than ever before.

At the very least, I would urge that any permanent rule change leave the option of using the recording system they desire up to the local jurisdiction.

If you have any questions, please feel free to call at any time.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Will O Carr", with a long horizontal flourish extending to the right.

WILLIAM O. CARR

WOC:jjc



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF
EDWARD A. DEWATERS, JR.
CHIEF JUDGE AND
CIRCUIT ADMINISTRATIVE JUDGE

October 1, 1991

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 281-2212

Mr. Frank Broccolina
Deputy State Court Administrator
Administrative Office of the Courts
Box 431
Annapolis, Maryland 21401

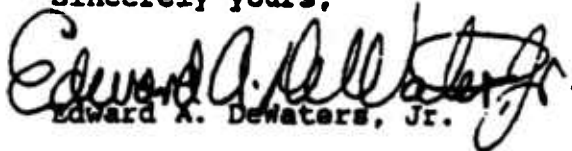
Re: Select Committee on Evaluation of Court Reporters

Dear Mr. Broccolina:

This is to inform you that the judges of the Circuit Court for Baltimore County held a bench meeting on Tuesday, October 1, 1991 and voted unanimously to endorse the use of court reporters in the recording and transcription of court proceedings. The Court also unanimously voted not to approve the use of videotaping of trials as was previously stated in correspondence from the Honorable Frank E. Ciccone to the Honorable Robert C. Murphy dated October 31, 1989 (see attachments).

I hope this information is beneficial to the Select Committee in their evaluation process. Please contact me if you desire more information on the Court's position concerning this matter.

Sincerely yours,


Edward A. Dewaters, Jr.

EADjr/mc

Attachment

cc: All Judges of the Circuit Court
Mr. Peter J. Lally
Mr. Paul A. Griffin



Seventh Judicial Circuit of Maryland

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

GRAYDON S. MCKEE III
JUDGE

September 25, 1991

(301) 982-3227

Frank Broccolina
Administrative Office of the Courts
Post Office box 431
Annapolis, Maryland 21401

Dear Mr. Broccolina:

I understand that there will be a hearing on Tuesday, October 1, 1991, evaluating Court Reporting. I have had personal experience using audio recording in the Courtroom, video recording in the Courtroom, as well as humans as Court Reporters in the Courtroom. I have experienced both the written shorthand reporter, masked reporters, as well as reporters using stenotype machines. The Courtroom Reporter using stenotype machines, is far superior.

The primary difficulty I have experienced in using video and audio recording is that the machines simply record or in many instances fail to record faithfully. People talking at the same time on the audio and video give you unintelligible sounds and this can only be overcome if there is a person monitoring the quality of the recording. The monitor must devote their full time to the process.

The strong point and primary advantage from my experience has been that a Courtroom Reporter using the stenotype machine will indicate the inability to comprehend and faithfully record that which is taking place. I have serious concerns that without a faithful and accurate record, the Appellate process will be seriously hindered.

I hope this will be of assistance to the committee. I also hope that for budgeting purposes the Court will not be compelled to rely on a machine.

Very truly yours,


Graydon S. McKee, III

GSMc/jld

Seventh Judicial Circuit of Maryland

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

AUDREY E. MELBOURNE
ASSOCIATE JUDGE

301-982-3822

September 30, 1991

Mr. Frank Broccolina
Administrative Office of the Courts
P.O. Box 431
Annapolis, Maryland 21401

Dear Mr. Broccolina:

Our Court Reporters in Prince George's County have asked me to relate to you some of my experiences with the "high-tech" facilities for court reporting.

In the summer of 1989, I tried the second Maryland DNA case. The first case, State v. Cobey, had been tried in Montgomery County by Judge Ruben and was then pending an appellate decision. Judge Ruben's transcript had been prepared from the eight-track tape system used in Montgomery County. That particluar transcript was prepared by Deposition Services, Inc., Rockville, Maryland.

Some of the more glaring errors in that transcript are as follows:

communited for communicated
radio autographs for autoradiographs
cell mark for Cellmark
live codes for Lifecodes
pros for probes
locatl for (who knows what?)
Motion of Eliminie for Motion in Limine
"fry test" for Frye Test

Obviously there was no proof reading because there are numerous typos and grammatical errors. In many cases, the

questions and answers are incomprehensible. The audio tapes could have been of high quality or garbled but in any event the transcriber was obviously inept. I hope this system never crosses the border to our County.

On the other hand, I have also had the pleasure of using the On-Line Reporting System. The attorneys are extremely impressed and many disputes among them can be quickly resolved. Last October I tried a death penalty case, State v. Gaskins, with this reporter and was able to settle numerous conflicts in an instant. This system is obviously the way of the future.

If you have any questions, please feel free to contact me.

Very truly yours,


Audrey E. Melbourne

AEM/jb



Seventh Judicial Circuit of Maryland

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

WILLIAM D. MISSOURI
JUDGE

October 3, 1991

(301) 952-3728

Mr. Frank Broccolina
P.O. Box 431
Annapolis, Maryland 21401

Dear Mr. Broccolina:

The availability of dependable court reporting in Maryland has, within the past two years, generated concern in the judiciary. Apparently, some jurisdictions have experienced difficulties in the hiring and retention of dependable court reporters. These difficulties have necessitated a search for viable alternatives to the present court reporting system.

I am writing in support of the present system and the reporters who serve it in the various courts throughout the state.

I have found, particularly as a Prince George's County trial judge, that court reporters do an outstanding job. They report early to court, if requested, and stay late. They carry their machines to any location the court designates. They provide quick, accurate, transcripts of court proceedings. They are dependable and efficient. Although there may be some jurisdictions experiencing difficulties in the hiring and retention of court reporters, I do not believe those difficulties present a systemic problem.

My view of the value of court reporters is not made in derogation of the mechanical reporting system in effect in some counties. In fact, I have found the video experimental reporting system in effect in Prince George's County to be relatively competent. Personally, I detest having to operate the equipment in addition to my other duties. Furthermore, the video reporting system increases the work load for the courtroom clerk. Finally, I dislike the idea of cameras in my chambers or conference room.

I trust that the committee will support a system that will provide the best reporting service for the Maryland court system. In my opinion, that would by definition require the maintaining of the present reporting system.

Very truly yours,



WILLIAM D. MISSOURI
Judge



State's Attorney for Baltimore County

Sandra A. O'Connor

HOWARD B. MERKER
DEPUTY
SUE A. SCHENNING
DEPUTY

COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204-4420

301-887-6600
FAX 301-887-6646

September 25, 1991

Frank Broccolina
Assistant State Court Administrator
Judicial Information System
Administrative Office of the Courts
Courts of Appeal Building
Annapolis, MD 21401

Dear Frank:

It is my understanding that the demonstration project of video transcription is soon to be evaluated and a determination made regarding statewide use.

In that regard, I would like to register my opposition to statewide application. As a prosecutor, I am extremely concerned about the effects of cameras on witnesses, particularly rape victims, child witnesses and informants.

For most people, testifying in court is already a traumatic experience. To heighten that trauma by cameras is not, in my opinion, in the best interest of justice.

Your consideration of this view would be appreciated.

Sincerely,

SANDRA A. O'CONNOR
STATE'S ATTORNEY

SAO:jaa
cc: Dario Broccolino
Stewart Simms
Alex Williams
Frank Weathersbee
Andy Sonner

LAW OFFICES

MARKEY, PARRIS AND SANDUL

STEPHEN A. MARKEY
KEITH A. PARRIS
MICHAEL L. SANDUL

5639 ANNAPOLIS ROAD
(MARYLAND ROUTE 450)
BLADENSBURG, MARYLAND 20710

FACSIMILE
(301) 864-0229

(301) 779-2770

September 30, 1991

Mr. Frank Broccolina
Administrative Office of the Courts
P.O. Box 431
Annapolis, Maryland 21401

Re: Select Committee on the Evaluation
of Court Reporting

Dear Mr. Broccolina:

It is my understanding that there is a public hearing to be held on October 1, 1991, with reference to evaluation of court reporting, and possible alternative use of video cameras in the courtroom.

My practice is primarily in Prince George's County where I have a fairly active trial calendar.

It is my understanding that the committee is studying the feasibility of eliminating court reporters and utilizing video camera and other electronic equipment. While Prince George's County does have one courtroom equipped with video, and while I have had an opportunity to try cases within that courtroom, I have not as yet had an opportunity to either view the video or seek a transcript of any testimony from those trials.

Having had experience with electronic taping equipment in a limited number of cases, it appeared to me that the accuracy of the transcription was less than what might have been obtained from a live court reporter.

While I realize that there are many advances being made in the electronic taping field, I would strongly urge the committee to move slowly in making this decision. I would presume, and hope, that the committee has had an opportunity to view video tapes, and also to examine transcripts obtained through electronic equipment to determine its effectiveness.

September 30, 1991

I need not emphasize too strongly the importance of an accurate transcript for appeal purposes. That necessity will no doubt be uppermost in the minds of the committee, my only request is that before wholesale changes are made, that they are as certain as can be that the new system will be at least as good as, if not better than the old.

Very truly yours,


Stephen A. Markey

SAM:bd

ROSENBERG & BROWN, P.A.
ATTORNEYS AT LAW

Lawrence B. Rosenberg
Warren A. Brown

Teleph
(301) 332-4

September 26, 1991

Mr. Frank Broccolina
Administrative Office of the Courts
P.O. Box 431
Annapolis 21401

RE: COURT REPORTERS VS. VIDEO TAPE

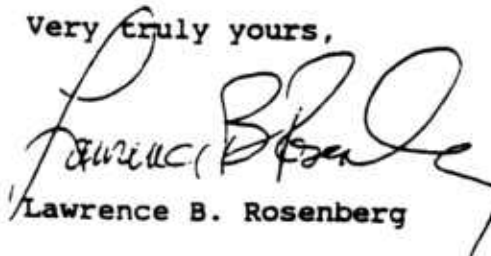
Dear Mr. Broccolina:

I find it necessary to write this letter to you regarding the experimental use of video tape in the Courtroom. Having tried numerous cases in which video tape was employed, I can now, without hesitation, express my preference for the "old method" of recording court proceedings (court reporters).

I have been practicing law for 18 years, mostly criminal in nature, and have found the system of transcribing court proceedings by court reporters an effective way of capturing the "goings on" inside the courtroom. I cannot think of one (1) flaw in the "old method" that the "new method" would solve. In fact, I have had problems on more than one occasion involving Judges that prefer one method of recording over the next, causing unnecessary confusion.

Sometimes, technology should not be equated with progress. It is my sincere hope that court reporters do not become something of the past.

Very truly yours,



Lawrence B. Rosenberg

LBR/amo



WILLIAM DONALD SCHAEFER
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER
15060 BUCK LANE
UPPER MARLBORO, MARYLAND 20772
963-8679

STEPHEN E. HARRIS
PUBLIC DEFENDER
963-4899

RONALD A. KARASIC
DEPUTY PUBLIC DEFENDER
963-4822

PHYLLIS D. K. HILDRETH
CHIEF CLERK, ADMINISTRATION
963-5992

MAUREEN LAMASNEY
PUBLIC DEFENDER FOR
PRINCE GEORGE'S COUNTY

September 30, 1991

Mr. Frank Broccolina
Administrative Office of the Courts
P.O. Box 431
Annapolis, MD 21401

Re: Committee on the Evaluation of Court Reporting

Dear Mr. Broccolina:

As an attorney who has practiced law since 1982, it has come to my attention that there is currently interest in video and electronic Court reporting in an effort to improve Court reporting techniques and keep up with changing technology.

While I am very interested in any improvements that may be made, I would like to express my concern about the possibility that Court reporters may no longer be used at some time in the future, and may be replaced by electronic and video reporting. My reasons for this concern are multifaceted, and although my concern is very great, I am not prepared to say that we should ignore changing technology with that in mind. However, I would like to express my reservations toward the movement toward video and electronic Court reporting.

Having experienced attempts to reproduce audio records from the District Court, I can tell you that much or what I get when I order a tape from the District Court is garbled and difficult to transcribe. When more than one person is speaking on a taped transcript, it is usually impossible to discern what was said by either of the individuals speaking. Because Court reporters are present, it has been my experience that their rendition of such conversations tends to be relatively accurate. Additionally, when a person mumbles or garbles their words, or speaks with a heavy accent, it is impossible oftentimes to obtain from an audio transcript the true meaning of that person's words. An experienced Court reporter will often request the person to repeat themselves, thus making the answer to a particular question, or an argument being made by counsel, understood for the purposes of a transcript to a much greater degree than a video or an electronic Court reporting transcript can.

Further, it has been my experience when attempting to get a transcript from a Court reporter, that the transcripts are more readily available, daily copy is possible, and expedited transcripts are possible. It is my understanding that in those limited Courtrooms where audio and electronic Court reporting has been used, that expedited transcripts and daily copy are virtually impossible to obtain.

Further, in Prince George's County where I have practiced since 1983, there have been instances where the equipment has been broken, or rendered inoperable at least temporarily, where a tape came to an end and was not repeated while the trial went on because the operator was not aware that the tape had ended, and other similar things have occurred.

Finally, while I am sure that given the integrity of our Judges, this is less likely to occur than the instances that I have commented on above, there are instances where an attorney is attempting to gain a reversal of a Judge. Presently, the Judge is in control of the audio and video electronic reporting equipment and is able to train the camera on whomever they wish. Since oftentimes appeals involve a heated exchange between an attorney and a Judge, who may have lost his composure, the person the attorney is trying to get reversed has control of the record. Being familiar with the case of Muskus v State, where a prosecutor and a Judge had a disagreement and the Court of Appeals reversed the Judge based on a transcript, and other similar cases such as the one in Baltimore City involving Judge Johnson, as recently as two or three years ago, where the issue came down to a disagreement between a Judge and a lawyer on a contempt finding, I have to be very cautious about removing Court reporters from the Courtroom.

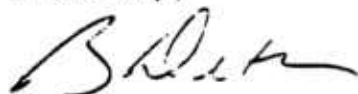
A Court reporter is a truly unbiased and independent person who is separate from both the litigants and the Court. In that oftentimes it is not just the litigants who are disagreeing but the Court and one of the litigants who disagree, it would be better to have an independent operator of any equipment if such equipment were to be installed, if it were determined that the Court reporter system is ineffective or inefficient for some reason.

In closing, I should note that I have found Court reporters' transcripts to be incredibly accurate. Their integrity is generally very good, and the transcripts that I have obtained in all my years of practice have never been called into question by either litigant or a Judge. I can honestly say that I believe that every transcript I have ever ordered in my career, whether for appeal or for any other purpose, has been a true and accurate statement of everything that was said in the Courtroom, and reflects a proper and true record of the proceedings that have occurred.

For that reason, if the Committee determines to continue to proceed with video and electronic Court reporting, I would ask that it be done so on an experimental basis in a low volume Courtroom, to allow attorneys to have more experience in obtaining transcripts for appeal and other purposes. It would be a true nightmare if a new system turns out to be less workable than an old one. Each transcript of a video or electronically Court reported proceeding may turn out to be only as good as the person transcribing it, or worse yet, only as good as the person operating the equipment.

It is therefore, my hope that the Maryland Courts will proceed very slowly if they determine that technology is advancing at a rate where Court reporters may one day become outdated. My personal experience is that that day has yet to come, and for that reason I would ask that we proceed cautiously and conservatively before changing a system which has worked so well to serve our American system of justice here in the State of Maryland.

Sincerely,



Brian C. Denton
Chief, Juvenile Division

BOD:lg

1 COURT OF APPEALS SELECT EVALUATION COMMITTEE
2 ON COURT REPORTING METHODS
3
4

5 PUBLIC HEARING

6 TUESDAY, OCTOBER 1, 1991

7 SIX O'CLOCK P.M.
8
9

10 COURTS OF APPEAL BUILDING
11 ANNAPOLIS, MARYLAND
12 -

13 PRESIDING: ROBERT L. FERGUSON, JR., ESQUIRE
14 COMMITTEE CHAIRMAN
15

16 COMMITTEE MEMBERS PRESENT:

17 MR. BERNARD DANKER

18 MS. BARBARA V. DOBSON

19 DAVID A. LEVIN. ESQ.

20 THE HON. DARLENE G. PERRY

21 MR. FRANK BROCCOLINA

22 MS. SUZANNE H. JAMES
23

24 REPORTED BY: BARBARA V. DOBSON,
25 OFFICIAL COURT REPORTER

1 IN ATTENDANCE:

2
3 MS. PATRICIA CIRASOLE, COURT REPORTER,
4 CIRCUIT COURT FOR BALTIMORE COUNTY

5 MR. DONALD F. COOLAHAN, COURT REPORTER,
6 CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

7 MR. WILLIAM C. FORAND, COURT REPORTER,
8 CIRCUIT COURT FOR BALTIMORE COUNTY

9 MR. PAUL GRIFFIN, COURT REPORTER,
10 CIRCUIT COURT FOR BALTIMORE COUNTY

11 MS. KATHY HIGGINS, COURT REPORTER,
12 CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

13 MR. GEOFFREY L. HUNT, FREELANCE REPORTER

14 MR. ROBERT D. STURGILL, COURT REPORTER,
15 CIRCUIT COURT FOR BALTIMORE COUNTY

16 MR. CALVIN WADE, COURT REPORTER,
17 CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

1 MR. FERGUSON: GOOD EVENING, EVERYONE.
2 I WANT TO THANK YOU FOR COMING HERE TONIGHT, AND
3 INTRODUCE EVERYONE IN THE ROOM.

4 MY NAME IS ROBERT FERGUSON. I AM AN
5 ATTORNEY IN BALTIMORE, MARYLAND, AND A PARTNER IN
6 THE LAW FIRM OF THIEBLOT, RYAN, MARTIN AND
7 FERGUSON. I'M CHAIRING THE COMMITTEE FOR THE COURT
8 OF APPEALS, SELECT COMMITTEE FOR EVALUATION OF
9 COURT REPORTING METHODS.

10 LET ME INTRODUCE YOU TO THE OTHER
11 COMMITTEE MEMBERS WHO ARE HERE TONIGHT.

12 TO MY RIGHT IS JUDGE DARLENE PERRY FROM
13 THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY.

14 NEXT TO HER IS SUZANNE JAMES, WHO IS THE
15 COURT ADMINISTRATOR FOR THE SEVENTH JUDICIAL
16 CIRCUIT.

17 DOING THE REPORTING HERE TONIGHT IS
18 BARBARA DOBSON, WHO IS A COMMITTEE MEMBER AND IS
19 THE DEPUTY CHIEF COURT REPORTER OF THE CIRCUIT
20 COURT FOR BALTIMORE CITY.

21 NEXT TO HER, TO HER RIGHT, IS BERNARD
22 DANKER, WHO IS AN ATTORNEY, AND WHO IS A COURT
23 REPORTER FOR SOME 45 YEARS.

24 RIGHT NEXT TO HIM, TO HIS RIGHT, IS
25 DAVID LEVIN, AN ATTORNEY WHOSE OFFICE IS IN ANNE

1 ARUNDEL COUNTY AND WHO PRACTICES THROUGHOUT THE
2 STATE.

3 AND TO MY FAR RIGHT IS FRANK BROCCOLINA,
4 WHO IS THE DEPUTY COURT ADMINISTRATOR FOR THE STATE
5 OF MARYLAND, AND THE FORMER COURT ADMINISTRATOR FOR
6 THE CIRCUIT COURT FOR BALTIMORE CIUNTY.

7 OTHER MEMBERS OF OUR COMMITTEE WHO COULD
8 NOT BE PRESENT TONIGHT ARE JUDGE KENNETH JOHNSON OF
9 THE CIRCUIT COURT FOR BALTIMORE CITY, WHO SITS IN
10 ONE OF THE NEW VIDEO COURTROOMS IN BALTIMORE CITY.

11 SHERRY MEREDITH, WHO IS THE CHIEF COURT
12 REPORTER OF THE CIRCUIT COURT FOR PRINCE GEORGE'S
13 COUNTY.

14 PAMELA QUIRK, THE COURT ADMINISTRATOR OF
15 THE CIRCUIT COURT FOR MONTGOMERY COUNTY.

16 PROFESSOR WILLIAM REYNOLDS, PROFESSOR OF
17 LAW FROM THE UNIVERSITY OF MARYLAND SCHOOL OF LAW.
18 HE IS ALSO CHAIRMAN OF JUDICIAL ADMINISTRATION FOR
19 THE MARYLAND STATE BAR ASSOCIATION AND WAS ALSO
20 LIAISON TO THE RULES COMMITTEE DURING THEIR
21 DISCUSSIONS THAT ULTIMATELY LED TO THE ADOPTION OF
22 WHAT ARE NOW MARYLAND RULES 1224A AND 1224B.

23 AND THAT TAKES US TO WHAT OUR COMMITTEE
24 REALLY IS ABOUT.

25 WHEN THE RULES COMMITTEE ADOPTED THESE

1 RULES IN NOVEMBER OF 1989, THEY WERE TO BECOME
2 EFFECTIVE IN JANUARY OF 1990. THESE RULES, 1224A
3 AND B, PERMITTED THE EXPERIMENTATION WITH VIDEO
4 COURT REPORTING IN SIX COURTROOMS AND TWO HEARING
5 ROOMS IN BALTIMORE CITY, AND UP TO TWO COURTROOMS
6 IN PRINCE GEORGE'S COUNTY.

7 AS YOU MAY KNOW, THERE ARE SIX NEW
8 COURTROOMS WITH VIDEO EQUIPMENT IN BALTIMORE CITY.
9 THERE IS ONE COURTROOM IN PRINCE GEORGE'S COUNTY
10 WITH VIDEO COURT REPORTING EQUIPMENT, AND I
11 UNDERSTAND THE SECOND ONE IS UNDER CONSTRUCTION IN
12 PRINCE GEORGE'S COUNTY.

13 IN FEBRUARY OF 1991, CHIEF JUDGE MURPHY
14 OF THE COURT OF APPEALS APPOINTED THIS COMMITTEE TO
15 EVALUATE THE VIDEO COURT REPORTING PROJECT IN
16 COMPARISON WITH OTHER AVAILABLE COURT REPORTING
17 METHODS, AND OUR DIRECTIVE COMES FROM THE COURT OF
18 APPEALS, AND AS SET FORTH IN RULE 1224A, WE ARE TO
19 EVALUATE THE PROGRESS OF THE VIDEO PROJECT AND TO
20 EVALUATE OTHER AVAILABLE COURT REPORTING METHODS.

21 BY WAY OF A LITTLE HISTORY, THE RULES,
22 1224A AND B, WERE ADOPTED INITIALLY BECAUSE OF A
23 CONCERN IN BALTIMORE CITY ABOUT AVAILABLE COURT
24 REPORTERS, AND ALSO FROM A CONCERN FROM THE
25 ADMINISTRATORS IN BALTIMORE CITY AND OTHER COUNTIES.

1 TO USE ALTERNATIVE COURT REPORTING METHODS AND TO
2 TEST VIDEO TO SEE IF IT WAS A VIABLE COURT
3 REPORTING METHOD.

4 I KNOW THAT MANY OF YOU MAY BE AWARE
5 THAT THERE WERE MANY, MANY MEETINGS THAT LED UP TO
6 THE PRELIMINARY RULES AND THERE WERE ULTIMATELY
7 PUBLIC HEARINGS ON THESE RULES. THESE RULES ARE
8 JUST TEMPORARY, IN FORCE FOR THREE YEARS, AND AS I
9 SAID, THE RULES MANDATE THAT A STUDY BE MADE OF THE
10 PROGRESS OF THE VIDEO PROJECT AND OTHER COURT
11 REPORTING METHODS BEFORE THE THREE-YEAR
12 EXPIRATION.

13 WE ARE INSTRUCTED TO SUBMIT A REPORT ON
14 OUR FINDINGS TO THE COURT OF APPEALS BY NOVEMBER
15 30TH OF THIS YEAR.

16 I CAN TELL YOU A LITTLE BIT ABOUT WHAT
17 WE HAVE DONE SO FAR.

18 OUR COMMITTEE, I DIDN'T COUNT THE NUMBER
19 OF TIMES WE HAVE MET, BUT WE HAVE MET APPROXIMATELY
20 TEN TO A DOZEN TIMES SINCE FEBRUARY, AND WE HAVE
21 MET THROUGHOUT THE STATE. DURING OUR MEETINGS WE
22 HAVE HAD COURT REPORTERS, COURT ADMINISTRATORS,
23 PRIVATE COMPANIES THAT DO TRANSCRIBING SERVICES FOR
24 THE COURTS AND OTHER INTERESTED PEOPLE TESTIFY AND
25 OFFER INFORMATION TO US ABOUT EXISTING COURT

1 REPORTING METHODS, AS WELL AS REVIEWED THE PROGRESS
2 OF THE VIDEO COURT REPORTING IN BALTIMORE CITY AND
3 PRINCE GEORGE'S COUNTY.

4 I SHOULD MENTION THAT JUDGE PERRY SITS
5 IN THE VIDEO COURTROOM IN PRINCE GEORGE'S COUNTY.

6 WE HAVE ALSO IN OUR MEETINGS HAD
7 DEMONSTRATIONS OF VARIOUS COURT REPORTING METHODS
8 IN ADDITION TO OBSERVING THE EQUIPMENT AND QUALITY
9 OF THE VIDEO COURT RECORDING IN BALTIMORE CITY AND
10 PRINCE GEORGE'S COUNTY, WE HAVE HAD DEMONSTRATIONS
11 OF COMPUTER AIDED EQUIPMENT, REAL-TIME COURT
12 REPORTING WITH THE USE OF COMPUTER AIDED
13 TRANSCRIPTION AND THE REAL-TIME DISPLAY OF THE
14 TRANSCRIPT.

15 WE HAD PRESENTATIONS TO US BY PROFESSOR
16 DAVID SAARI OF AMERICAN UNIVERSITY ON STUDIES THAT
17 HE DID ON COURT REPORTING METHODS, INCLUDING VIDEO
18 AND WE HAVE CONSULTED A NUMBER OF REPORTS FROM
19 NATIONAL ORGANIZATIONS ON VIDEO REPORTING AND COURT
20 REPORTING IN GENERAL.

21 IN ADDITION, WE HAVE CONDUCTED THREE
22 SURVEYS. WE SENT A SURVEY TO THE JUDGES OF ALL OF
23 THE CIRCUIT COURTS IN MARYLAND; WE SENT A SURVEY TO
24 THE JUDGES ON THE COURTS OF APPEAL; WE SENT A
25 SURVEY TO MEMBERS OF THE BAR. WE TARGETED MEMBER,

1 OF THE BAR WHO HAVE EXPERIENCE IN CRIMINAL AND
2 CIVIL LITIGATION, AND WE ALSO SENT SURVEYS TO THE
3 STATE'S ATTORNEY'S OFFICE AND PUBLIC DEFENDER'S
4 OFFICE IN PRINCE GEORGE'S COUNTY AND BALTIMORE
5 CITY.

6 IN ADDITION, WE CONDUCTED A SURVEY OF
7 EACH OF THE COURT ADMINISTRATORS FROM EACH OF THE
8 STATE'S JUDICIAL CIRCUITS TO FIND OUT WHAT COURT
9 REPORTING METHODS THEY WERE USING AND SOME
10 INFORMATION ON PERSONNEL AND COSTS, AND THEIR
11 COMMENTS ON THE SUCCESS OF THEIR OWN PROGRAMS.

12 CHIEF JUDGE MURPHY AND THE COMMITTEE
13 WANTED TO HAVE A PUBLIC HEARING. IN ADDITION TO
14 THE INFORMATION WE HAVE ALREADY GLEANED FROM OUR
15 EFFORTS, WE WANTED TO MAKE SURE THAT WE PROVIDED AN
16 OPPORTUNITY FOR PUBLIC COMMENT AND FOR PUBLIC
17 PRESENTATION OF ANY OBSERVATIONS OR CONCERNS THAT
18 THE PUBLIC MAY HAVE CONCERNING THE EVALUATION OF
19 VIDEO COURT REPORTING AND COURT REPORTING IN
20 GENERAL.

21 IT IS NOT OUR OBJECT TO SET STANDARDS
22 FOR COURT REPORTING, BUT SIMPLY TO EVALUATE
23 DIFFERENT METHODS OF COURT REPORTING AND TO REPORT
24 TO THE COURT OF APPEALS ON THOSE METHODS AND HOW
25 THEY COMPARE TO THE EFFORTS AND THE EXPERIMENTATION

1 OF VIDEO COURT REPORTING.

2 WITH THAT, I WILL BEGIN BY ASKING THOSE
3 OF YOU WHO HAVE COME TONIGHT TO OFFER US YOUR
4 COMMENTS.

5 I KNOW THAT MR. GEOFFREY HUNT CALLED US
6 AND LET US KNOW THAT HE WOULD BE HERE TONIGHT, AND
7 I ASK MR. HUNT TO COME FORWARD AND INTRODUCE
8 YOURSELF AND PRESENT US WITH WHATEVER COMMENTS YOU
9 HAVE.

10 MR. HUNT: THANK YOU VERY MUCH, MR.
11 FERGUSON, MEMBERS OF THE COMMITTEE.

12 I AM GEOFFREY HUNT. I AM THE OWNER OF
13 HUNT REPORTING COMPANY, WHICH IS A LOCAL FREE LANCE
14 REPORTING AGENCY PROVIDING COURT REPORTING SERVICES
15 IN THE MARYLAND, BALTIMORE, DISTRICT OF COLUMBIA
16 VICINITY. I AM THE PAST PRESIDENT OF THE TRI-STATE
17 STENOMASK VERBATIM REPORTERS ASSOCIATION, AN
18 ASSOCIATION OF STENOMASK COURT REPORTERS. I'M ALSO
19 THE VICE-PRESIDENT, PRESIDENT ELECT OF THE NATIONAL
20 STENOMASK VERBATIM REPORTERS ASSOCIATION AND
21 NATIONAL ASSOCIATION OF STENOMASK COURT REPORTERS.

22 I HAVE BEEN IN THE COURT REPORTING
23 BUSINESS FOR 15 YEARS, ALMOST 15 YEARS, DATING BACK
24 TO 1977, AFTER I GRADUATED FROM COLLEGE. MY
25 FATHER, CLIFTON HUNT, HAS BEEN IN THE BUSINESS FOR

1 APPROXIMATELY 50 YEARS. I'M SURE SOME OF THE
2 REPORTERS IN THIS ROOM PROBABLY KNOW MY FATHER. SO
3 I WAS RAISED IN THE COURT REPORTING INDUSTRY, AND I
4 KNOW A LITTLE BIT ABOUT IT.

5 WE HAVE BEEN FOLLOWING THE VIDEO IN THE
6 COURTROOM ISSUE NOW FOR THE PAST YEAR OR SO AND I
7 HAVE BEEN IN TOUCH WITH AL BETZ, AND HAVE SAT IN ON
8 SEVERAL OF THE DISCUSSIONS WITH THE BOARD OF
9 DIRECTORS MEETING FOR THE MARYLAND SHORTHAND
10 REPORTERS ASSOCIATION, AND I UNDERSTAND THE
11 COMMITTEE IS JUST MERELY MAKING RECOMMENDATIONS TO
12 THE CHIEF JUDGE AS FAR AS ALTERNATIVE MEANS OF
13 COURT REPORTING FOR CIRCUIT COURT SYSTEMS.

14 THE STENOMASK SYSTEM IS THE USE OF TAPE
15 RECORDING WITH A SPECIAL MICROPHONE THAT WE REPEAT
16 THE RECORD. SO I HAVE A LOT OF EXPERIENCE
17 PRODUCING TESTIMONY FROM TAPED RECORDS.

18 I HAVE EXPERIENCE IN TRANSCRIBING
19 DISTRICT COURT PROCEEDINGS THAT ARE PROVIDED TO MY
20 SERVICE, TO MY COMPANY, FOR TRANSCRIPTION, FROM THE
21 DISTRICT COURT. NOT FROM THE CIRCUIT COURT FOR
22 MONTGOMERY COUNTY. I DON'T HAVE ANY PERSONAL
23 EXPERIENCE ABOUT THAT RECORD.

24 BUT IT IS MY EXPERIENCE, AND WE HAVE
25 DONE, I WOULD GUESS, LET'S SAY, IN EXCESS OF A

1 MILLION PAGES OF TRANSCRIPTION IN MY CAREER, THAT
2 WHEN YOU REMOVE THE REPORTER FROM THE PRODUCTION OF
3 THE RECORD, YOU ARE JEOPARDIZING THE QUALITY AND
4 THE VERBATIM QUALITY OF THE RECORD. YOU CAN GET A
5 RECORD. NOW IT MAY BE 95 PERCENT OF THE RECORD.
6 IT MIGHT BE 90 PERCENT. IT MIGHT BE 98 PERCENT,
7 BUT YOU ARE NOT GOING TO GET ONE HUNDRED PERCENT OF
8 THE RECORD. WHEN YOU REMOVE THE INDIVIDUAL FROM
9 THE PRODUCTION OF THE RECORD YOU ARE GOING TO LOSE
10 THE RECORD. AND I DON'T CARE HOW MANY COURTROOMS
11 OR HOW MANY VIDEO CAMERAS YOU HAVE IN THE
12 COURTROOM.

13 I WAS RECENTLY SENT BY THE NSVRA TO
14 KENTUCKY TO EVALUATE THE JEFFERSON AUDIO VIDEO
15 SYSTEM IN KENTUCKY, AND WE WENT TO OHIO AS WELL.
16 OHIO WAS ONE OF THE PILOT PROGRAMS SEVERAL YEARS
17 AGO THAT HAD A VERY SIMILAR VIDEO COURTROOM
18 PROJECT. THEY REMOVED THE VIDEO SYSTEMS FROM OHIO;
19 THEY HAVE NOT DONE SO IN KENTUCKY. I KNOW A LITTLE
20 BIT ABOUT THE JEFFERSON AUDIO VIDEO SYSTEM, HAVING
21 DONE THIS INVESTIGATION. I KNOW HOW IT WORKS, HOW
22 IT OPERATES, WITH THE VOICE-ACTIVATED MICROPHONES
23 WITH THE VOICE-ACTIVATED CAMERAS, THE ABILITY OF
24 JUDGE TO LOCK IN ON A PARTICULAR WITNESS OR A
25 PARTICULAR TRIAL COUNSEL WHILE THEY ARE OFFERING

1 TESTIMONY, AND I HAVE WITNESSED THE PRODUCT OR THE
2 TAPE THAT HAS BEEN PRODUCED BY THE VIDEO SYSTEM,
3 AND IT IS VERY GOOD. IT IS VERY GOOD, BUT IT IS
4 NOT PERFECT. AND I FEEL AND BELIEVE THAT THE
5 CITIZENS OF THE STATE OF MARYLAND ARE ENTITLED TO
6 HAVE A FAIR AND COMPLETE TRIAL. AND WITHOUT A
7 COMPLETE RECORD THEY ARE NOT RECEIVING A FAIR AND
8 COMPLETE TRIAL.

9 TO HAVE TO GO BACK AND RETRY A CASE
10 BECAUSE OF AN INCOMPLETE TRANSCRIPT, DELETED
11 TESTIMONY, MISSING TESTIMONY, ERASED TESTIMONY, IS
12 AN INJUSTICE TO THE--CITIZENS THAT ARE BRINGING
13 THEIR PROBLEMS BEFORE THE COURT SYSTEM.

14 IN MY COMMUNICATIONS WITH OTHER COURT
15 REPORTERS, THROUGH THE MARYLAND SHORTHAND REPORTER
16 ASSOCIATION, THROUGH REPORTERS THAT HAVE BEEN
17 WORKING AT BALTIMORE CITY CIRCUIT COURT, AT THE
18 PRINCE GEORGE'S COUNTY CIRCUIT COURT, I AM GETTING
19 THE INDICATION THAT WE ARE NOT RECEIVING ANY
20 FEEDBACK AS TO THE QUALITY OF THE RECORD THAT IS
21 BEING PRODUCED. I REALIZE THIS VIDEO RECORDING IS
22 IN ITS INFANCY, THAT THE APPEALS PROCESS IS JUST
23 GEARING UP FOR CASES THAT HAVE BEEN VIDEOTAPED IN
24 THE LAST YEAR OR TWO, THAT IT'S A HIT OR MISS
25 SITUATION IF SOMEONE APPEALS A CASE AND REQUESTS A

1 VIDEO TRANSCRIPT CHANCES ARE THEY ARE GOING TO GET
2 A GOOD ONE. BUT WHAT ABOUT THE ONE THAT DOESN'T
3 GET A GOOD ONE?

4 WHAT KIND OF INFORMATION IS BEING
5 ACCUMULATED BY THIS COMMITTEE OR BY A BODY THAT IS
6 REVIEWING THIS VIDEO IN THE COURTROOM PROJECT,
7 WHETHER IT BE THE LEGISLATURE, THIS COMMITTEE, THE
8 MARYLAND SHORTHAND REPORTERS ASSOCIATION. WHAT
9 KIND OF INFORMATION IS BEING PROVIDED ON THE
10 QUALITY OF THE RECORD? HOW MUCH TESTIMONY IS
11 BEING LOST? HOW MUCH TESTIMONY HAS BEEN ERASED?
12 HOW MUCH TESTIMONY IS INAUDIBLE BECAUSE THE CAMERA
13 WAS LOCKED ON THE WRONG PERSON AT THE WRONG TIME?

14 I SUGGEST THE JUDGES ARE BUSY ENOUGH,
15 WITHOUT HAVING THE ADDITIONAL RESPONSIBILITY OF
16 HAVING TO PERFORM THE DUTIES OF A CLERK, MARKING
17 EXHIBITS, MONITORING A VIDEO TAPE, MONITORING A
18 VIDEO MONITOR, MAKING SURE THAT AN ACCURATE RECORD
19 IS BEING PROVIDED. THESE ARE NOT THE DUTIES OF A
20 JUDGE.

21 I WOULD REQUEST SOME DATA THAT IS BEING
22 PROVIDED, IF THERE IS THIS DATA THAT IS BEING
23 PROVIDED, A COST ANALYSIS OF THE INSTALLATION OF A
24 VIDEO COURTROOM STATEWIDE VERSUS THE HIRING OF
25 COURT REPORTERS. A QUALITY OF THE RECORD ANALYSIS.

1 TO DETERMINE HOW MUCH TESTIMONY IS BEING LOST AND
2 IS IT REALLY ENDANGERING THE APPEALS PROCESS.

3 I WOULD ALSO REQUEST COPIES OF THE
4 SURVEYS THAT HAVE BEEN CONDUCTED BY THE COMMITTEE
5 THAT WERE JUST MENTIONED BY MR. FERGUSON.

6 TWO YEARS AGO, WHEN THEY ANNOUNCED THE
7 VIDEO IN THE COURTROOM PROJECT AND THE INSTALLATION
8 OF VIDEO IN THE COURTROOM IN BALTIMORE CITY THERE
9 SEEMED TO BE SOMEWHAT OF AN EXODUS OF REPORTERS
10 FROM THE BALTIMORE CITY CIRCUIT OFFICIAL REPORTING
11 STAFF. AT THAT TIME SEVERAL STENOMASK REPORTERS
12 WERE HIRED. I BELIEVE THERE ARE SIX DOWN THERE
13 NOW. I PLACED SEVERAL OF THOSE REPORTERS MYSELF.
14 WE KNEW THERE WAS A DEMAND. I WENT TO VARIOUS
15 REPORTING SOURCES AND REPORTERS FILLED THOSE
16 POSITIONS.

17 IF AVAILABILITY OF REPORTERS IS THE
18 ISSUE, REPORTERS ARE AVAILABLE AND CAN BE MADE
19 AVAILABLE. IT'S A MATTER OF CONTACTING THE RIGHT
20 PEOPLE, WHETHER THEY BE BUSINESSES, THEY BE
21 SCHOOLS, ON A NATIONAL LEVEL. I BROUGHT ONE
22 REPORTER FROM ST. LOUIS, WHO IS NOW AN OFFICIAL
23 DOWN IN BALTIMORE CITY, AND I BELIEVE ANOTHER ONE
24 WAS RECENTLY HIRED FROM THE SAME SCHOOL, THE
25 VANDERSCHMIDT SCHOOL. THERE ARE REPORTERS RIGHT

1 NOW THAT ARE LOOKING FOR JOBS, REPORTERS THAT ARE
2 CERTIFIED. COURT REPORTERS LOKING FOR JOBS FROM
3 THE VANDERSCHMIOT SCHOOL IN ST. LOUIS.

4 I AGREE THAT IN SPECIAL CIRCUMSTANCES
5 ALTERNATIVE MEANS OF REPORTING CAN BE USED. I
6 BELIEVE AL HAS SUBMITTED A REPORT AND A
7 RECOMMENDATION. WE PROVIDED A LETTER FROM THE
8 TSVRA IN WHICH WAS STATED WHERE STENOMASK REPORTERS
9 COULD BEST BE USED. MSRA I AM SURE HAS SUBMITTED A
10 SIMILAR POSITION PAPER.

11 VIDEO, AS WELL AS PITMAN OR GREGG
12 SHORTHAND OR STENOMASK OR STENOTYPE, THEY CAN ALL
13 BE USED, BUT WHEN YOU REMOVE THE REPORTER FROM A
14 PROCEEDING IN A ROOM SUCH AS THIS AND RELY ON A
15 VIDEO CAMERA TO PRODUCE A TRULY VERBATIM RECORD, IT
16 WON'T DO IT.

17 JUST THIS WEEK, I WAS PROVIDED A VIDEO
18 TRIAL TO TRANSCRIBE. I HAVE NOT BEEN GIVEN
19 PERMISSION TO DIVULGE THE NAME OF THE CASE, WHICH
20 COURT IT WAS HELD IN, ANY OF THE SPECIFICS. I AM
21 ATTEMPTING TO GET THAT PERMISSION RIGHT NOW. I DID
22 NOT GO OUT HUNTING FOR THIS PARTICULAR TESTIMONY.
23 IT WAS SENT TO ME WITH NINE OR TEN -- TEN OTHER
24 DAYS OF VIDEO TRIAL TESTIMONY, AND IN MY REVIEW OF
25 THE VIDEO, I CAME ACROSS A LOT OF MISSING

1 TESTIMONY. I HAVE HERE A LIST OF TEN OR 15
2 LOCATIONS WHERE AS MUCH AS 11 MINUTES OF TRIAL
3 TESTIMONY WAS COMPLETELY INAUDIBLE. AT THE END OF
4 THE TRIAL THE VIDEO STOPS IN THE MIDDLE OF A
5 WITNESS'S TESTIMONY.

6 I AM HAVING THIS TRANSCRIBED AND WOULD
7 BE HAPPY TO MAKE THIS AVAILABLE FOR THE COMMITTEE'S
8 REVIEW, IF INDEED I GET THE PROPER AUTHORIZATION TO
9 DO SO.

10 SO I WILL GO ON RECORD TODAY ON BEHALF
11 OF THE TSVRA AND TO BEHALF OF THE NSVRA AS STATING
12 THAT OUR POSITION TO CARTE BLANCHE INSTALL VIDEO IN
13 COURTROOMS TO BE THE PRIMARY MEANS OF PRESERVING
14 TRIAL TESTIMONY, WE ARE OPPOSED.

15 ARE THERE ANY QUESTIONS?

16 MR. FERGUSON: DO YOU FEEL THAT VIDEO
17 HAS A PLACE AS AN ALTERNATIVE MEANS OF RECORDING
18 CIRCUIT COURT PROCEEDINGS WHERE THERE ARE OTHER
19 MORE TRADITIONAL MEANS OF COURT REPORTING ALSO
20 AVAILABLE?

21 MR. HUNT: SIMULTANEOUSLY?

22 MR. FERGUSON: NO, VIDEO BEING THE
23 EXCLUSIVE MEANS OF COURT REPORTING, BUT IN A
24 COURTHOUSE WITH SEVERAL COURTROOMS WHERE OTHER MORE
25 TRADITIONAL METHODS ARE AVAILABLE OR DEPENDING ON

1 THE COMPLEXITY OF THE CASE, LENGTH OF CASE OR THE
2 PARTIES?

3 MR. HUNT: I THINK IN A TRIAL
4 ATMOSPHERE WHERE YOU HAVE A JUDGE ON THE BENCH, A
5 WITNESS ON THE STAND, PLAINTIFF AND DEFENSE
6 COUNSEL, POSSIBLY A JURY, THAT THE VIDEO SYSTEM
7 DOES NOT HAVE ANY INTELLIGENCE. IT IS DISTRACTED
8 EASILY. IN A SETTING SUCH AS THIS, I DON'T THINK
9 THAT THE VIDEO IS A REASONABLE ALTERNATIVE FOR
10 PRODUCING A TRANSCRIPT.

11 IF YOU HAVE A HEARING ROOM, AND I
12 HAVEN'T SEEN THE HEARING ROOMS IN BALTIMORE CITY,
13 BUT POSSIBLY IN A HEARING ROOM WHERE YOU HAVE
14 SEVERAL WITNESSES SITTING AROUND A TABLE AND YOU
15 HAVE GOT ADEQUATE MICROPHONING ON THE TABLE AND ONE
16 OR TWO CAMERAS SHOOTING DOWN FROM DIFFERENT ANGLES.
17 THERE YOU ARE PROBABLY GOING TO PRODUCE A VERY NEAR-
18 TO VERBATIM RECORD. YOU STILL HAVE THE PROBLEM OF
19 SOFT SPOKEN WITNESSES. I HAVE HAD AND HAVE A CASE
20 RIGHT NOW WHERE THE WITNESS IS TALKING RIGHT INTO
21 THE MICROPHONE AND YOU CANNOT UNDERSTAND WHAT
22 THEY'RE SAYING.

23 MR. FERGUSON: THE VIDEO TRIAL TAPES
24 THAT YOU MENTIONED, DO YOU KNOW APPROXIMATELY WHEN
25 THAT TOOK PLACE? IN OTHER WORDS, EARLY IN THE

1 VIDEO COURT REPORTING PROJECT?

2 MR. HUNT: IT IS RECENT.

3 MR. FERGUSON: IS IT SOMETHING THAT IS

4 ON APPEAL?

5 MR. HUNT: I DON'T BELIEVE SO. I DON'T

6 KNOW THE DETAILS OF THE CASE.

7 MR. FERGUSON: IS IT FROM BALTIMORE

8 CITY?

9 MR. HUNT: NO.

10 MR. FERGUSON: PRINCE GEORGE'S COUNTY?

11 MR. HUNT: YES.

12 MR. FERGUSON: IT IS NOT A SITUATION

13 WHERE -- WELL, IF IT IS NOT ON APPEAL, THEN AN

14 OFFICIAL TRANSCRIPT IS NOT NECESSARY?

15 MR. HUNT: IT HAS BEEN REQUESTED.

16 MR. FERGUSON: THE VANDERSCHMIDT SCHOOL

17 THAT YOU MENTIONED, IS THAT A SCHOOL THAT TRAINS

18 PEOPLE IN THE STENOMASK METHOD?

19 MR. HUNT: YES.

20 MR. FERGUSON: HOW LONG IS THE

21 TRAINING?

22 MR. HUNT: IT IS A SIX-MONTH PROGRAM.

23 MR. FERGUSON: LET ME JUST ADDRESS A

24 COUPLE OF COMMENTS YOU MADE.

25 WE ARE, IN LOOKING AT THE DIFFERENT

1 COURT REPORTING METHODS, MEMBERS OF THE COMMITTEE
2 AND OTHERS ARE ACTUALLY VIEWING AND COMPARING
3 VIDEOTAPED TRANSCRIPTS FROM THE VIDEO COURTROOMS
4 AND COMPARING THEM WITH PREPARED TRANSCRIPTS.

5 THE INPUTS WE ARE GETTING FROM OUR
6 SURVEYS, BOTH THE FORM SURVEYS AND THE PERSONAL
7 INTERVIEWS THAT HAVE TAKEN PLACE, IS BEING
8 CONDUCTED IN SUCH A WAY AS TO OBTAIN COMPARISONS
9 FROM PRACTITIONERS WHO HAVE HAD EXPERIENCE WITH
10 BOTH VIDEO AND AUDIO, AS WELL AS TRADITIONAL
11 SHORTHAND REPORTER METHODS, AND WE ARE GETTING
12 VALUABLE INPUT TO MAKE A COMPARISON.

13 YOU MENTIONED PERFECTION AS A STANDARD.
14 DO YOU THINK PERFECTION REALLY SHOULD BE A
15 STANDARD?

16 MR. HUNT: I THINK THE COURT REPORTING
17 INDUSTRY IN GENERAL HOLDS THEMSELVES OUT TO BE
18 PERFECTIONISTS.

19 IN MY EXPERIENCE IF THERE IS ONE OR TWO
20 WORDS MISSING FROM A 200-PAGE TRANSCRIPT, AN
21 ATTORNEY CAN COME BACK AND TELL YOU WHICH ONE OR
22 TWO WORDS THEY WERE. YOU CAN'T GET MUCH MORE
23 PERFECT THAN THAT.

24 WHEN ARE YOU GOING TO BE IMPERFECT IN A
25 TRANSCRIPT? WHERE IS THAT TESTIMONY GOING TO BE

1 CRITICAL THAT IS NOT GOING TO BE THERE?

2 YOU REALLY DO HAVE TO PROVIDE A ONE
3 HUNDRED PERCENT VERBATIM RECORD.

4 MR. FERGUSON: AS AN OBSERVATION THAT
5 MIGHT BE OF SOME BENEFIT TO YOU, IN OUR
6 INVESTIGATION WE HAVE LEARNED THAT, FOR EXAMPLE, IN
7 BALTIMORE CITY, I DON'T THINK THE EXODUS OF COURT
8 REPORTERS OCCURRED AFTER VIDEO WAS IMPLEMENTED, BUT
9 RATHER THERE WAS A SIGNIFICANT TURNOVER OF COURT
10 REPORTERS BEFORE VIDEO WAS IMPLEMENTED. IN A
11 PERIOD OF THREE YEARS SOME 23 REPORTERS LEFT THE
12 SYSTEM IN BALTIMORE CITY, AND THERE WERE
13 APPROXIMATELY 27 NEW HIRES. I THINK THAT IS
14 REVERSED, 23 NEW HIRES, 27 LEFT THE SYSTEM, MANY
15 QUITTING TO FIND EMPLOYMENT ELSEWHERE, SOME
16 RETIRING AND I THINK IN A RARE INSTANCE SOMEONE
17 BEING DISCHARGED.

18 THEY HAVE ENDED UP WITH SITUATIONS WHERE
19 TRANSCRIPTS FROM STENOTYPE REPORTERS, TRANSCRIPTS
20 FROM TRIALS THAT WERE TAKEN BY STENOTYPE REPORTERS
21 SIMPLY CANNOT BE TRANSCRIBED BECAUSE THE COURT
22 REPORTERS LEFT THE SYSTEM. IF THEY KNOW WHERE THEY
23 ARE, THEY ARE ALIVE AND WELL AND WORKING IN SOME
24 JURISDICTION, AND WITH THE EFFORTS OF THE CHIEF
25 JUDGE IN MARYLAND AS WELL AS IN THE JURISDICTION

1 WHERE THEY ARE WORKING, STILL CAN'T PRODUCE A
2 TRANSCRIPT. AND THE SITUATION GOT TO A POINT WHERE
3 SOME ALTERNATIVE MEANS NEEDED TO BE INVESTIGATED.
4 AND I KNOW THAT, AS YOU SAY, AFTER THAT PERIOD OF
5 TIME THERE WERE SOME STENOMASK REPORTERS HIRED IN
6 BALTIMORE CITY TO HELP SERVE THAT NEED.

7 VIDEO COURT REPORTING IN BALTIMORE CITY
8 HAS BEEN REPORTED TO HAVE HELPED ALLEVIATE THAT
9 KIND OF TURNOVER AND PERSONNEL PROBLEMS.

10 MR. HUNT: TO ADDRESS THE PROBLEM OF
11 REPORTERS LEAVING, YES, IT IS A PROBLEM, IF THEY
12 GO, IT'S DIFFICULT TO READ STENOTYPE NOTES IF YOU
13 DON'T KNOW A PARTICULAR REPORTER'S STYLE. THAT IS
14 AN ADMINISTRATIVE BURDEN, I THINK, THAT NEEDS TO BE
15 SOLVED WITHIN THE COURT. THERE ARE REMEDIES TO
16 IT.

17 MR. FERGUSON: MAYBE SOME OF THE OTHER
18 COMMITTEE MEMBERS HAVE A QUESTION?

19 MR. BROCCOLINA: I WOULD BE INTERESTED
20 IN KNOWING HOW YOU WOULD COMPARE MASKING TO
21 TRADITIONAL STENOGRAPHY AND CAT?

22 MR. HUNT: TO COMPARE MASKING TO
23 STENOGRAPHY, THEY BOTH PROVIDE AN EXCELLENT
24 RECORD. I WILL NOT ENDORSE ONE OVER THE OTHER. I
25 THINK THAT IF YOU HAVE A QUALIFIED REPORTER, YOU

1 ARE GOING TO GET AN EXCELLENT TRANSCRIPT FROM
2 EITHER METHOD OF REPORTING. WE BOTH TAKE OUR
3 PROFESSION VERY SERIOUSLY AND TRY TO PROVIDE THE
4 BEST PRODUCT AVAILABLE.

5 BECAUSE OF THE NATURE OF THE STENOTYPE
6 SYSTEM, THE CAT TRANSCRIPT PROVIDES A SERVICE TO
7 THE COURT REPORTER IN THAT THEY CAN USE THE
8 COMPUTER TO PRODUCE THEIR TRANSCRIPTS. WHEN THAT
9 IS USED TO PRODUCE EXPEDITED TRANSCRIPTS OF COURSE,
10 IT MAY BE EASIER FOR THEM TO DO IT ON A CAT SYSTEM,
11 BUT MASK REPORTERS CAN PRODUCE EXPEDITED TRANSCRIPT
12 AS WELL. WE DO IT IN A DIFFERENT FASHION.

13 THE ONE AREA THAT WE CANNOT COMPETE WITH
14 THE STENOTYPE METHOD OF REPORTING IS REAL-TIME.
15 REAL-TIME BEING IT COMES UP INSTANTLY TRANSLATED ON
16 A COMPUTER SCREEN, AVAILABLE FOR ATTORNEYS OR JUDGE
17 TO REVIEW THE TRANSCRIPT DURING THE PROCEEDING AS
18 IT IS GOING FORWARD. YOU NEED AN EXTREMELY
19 ACCURATE REPORTER TO BE ABLE TO PRODUCE REAL-TIME,
20 AND I WOULD GUESS THAT THE PERCENTAGE OF STENOTYPE
21 REPORTERS WHO CAN PRODUCE REAL-TIME TRANSCRIPTS
22 TRULY VERBATIM IS PROBABLY LESS THAN ONE PERCENT.

23 MR. BROCCOLINA: YOU ASKED THE
24 COMMITTEE TO EXPLORE SOME COST EFFECTIVENESS OF
25 INSTALLING VIDEO AS COMPARED TO MORE TRADITIONAL

1 METHODS OF COURT REPORTING..

2 HOW WOULD YOU COMPARE COST EFFECTIVENESS
3 OF MASKING AND MORE TRADITIONAL SHORTHAND REPORTING
4 TO CAT? HAS YOUR ASSOCIATION DONE ANY OF THAT,
5 FROM A COST EFFECTIVE POINT OF VIEW?

6 MR. HUNT: NO, WE HAVEN'T. WE HAVEN'T
7 GONE INTO A COST ANALYSIS OF COMPARING VIDEO
8 AGAINST THE LIVE REPORTER. IT CAN BE SIMPLY DONE.
9 TAKE THE SALARIES, YOUR BENEFITS AND HOW MUCH SPACE
10 THEY ARE BURNING UP IN THE OFFICE EVERY DAY,
11 CALCULATE THE SQUARE FOOT AND WHAT IT COSTS FOR
12 THEIR BENEFITS AND RETIREMENT DURING THE COURSE OF
13 THEIR CAREER, AND THEN TAKE A LOOK AT THE
14 ALTERNATIVE OF INSTALLING A VIDEO SYSTEM.

15 IN MY EXPERIENCE, IN THE KENTUCKY SYSTEM
16 A LOT OF JUDGES WERE NOT AGREEABLE TO HAVING VIDEO
17 INSTALLED IN THEIR COURTROOM, SO THEY GAVE THEM
18 LITTLE PERKS, LIKE ANOTHER CLERK. THEY GAVE THEM
19 ADDITIONAL STAFF IN THEIR COURTROOM TO ASSIST THEM.
20 AND EVEN REMODELED THEIR OFFICES. THESE ARE HIDDEN
21 COSTS THAT ARE GOING TO BE DIFFICULT TO CALCULATE.
22 AND I DON'T ANTICIPATE THE LEGISLATURE IS WILLING
23 TO PROVIDE ADDITIONAL MONEY TO A JUDGE TO ENTICE
24 HIM TO PUT VIDEO IN HIS COURTROOM OR HER
25 COURTROOM.

1 THOSE COSTS ARE DIFFICULT TO ASSESS.
2 BUT I THINK THE SIMPLE COMPARISON OF THE EMPLOYEE
3 VERSUS THE VIDEO CAMERA WOULD BE SIMPLE ENOUGH.

4 MR. BROCCOLINA: BOB, I WANTED TO
5 ADDRESS THAT COST ISSUE BECAUSE I THINK THE
6 COMMITTEE DECIDED NOT TO GET INTO THAT.

7 MR. FERGUSON: YOU'RE RIGHT. WE ARE
8 EVALUATING COURT REPORTING METHODS. WE ARE NOT
9 COMPARING COSTS OF THE DIFFERENT COURT REPORTING
10 METHODS. THAT IS BEYOND THE SCOPE OF OUR
11 ASSIGNMENT AND SOMETHING THAT IF A COURT
12 ADMINISTRATOR IN A COUNTY IS OR CITY IS CONSIDERING
13 RENOVATING OR CONSTRUCTION IN A COURTHOUSE THAT
14 COST ANALYSIS IS MORE PROPERLY DONE AT THAT TIME.

15 MR. HUNT: IT WOULD BE DONE AT THE
16 ADMINISTRATIVE LEVEL IN A PARTICULAR COUNTY? THAT
17 IS NOT SOMETHING THAT THE JUDICIAL PROCEEDINGS
18 COMMITTEE THROUGH THEIR EVALUATION, AND THE
19 LEGISLATURE WOULD REVIEW?

20 MR. FERGUSON: THAT'S NOT SOMETHING THAT
21 WE WOULD DO.

22 MR. HUNT: YOU WOULD THINK THAT THAT
23 WOULD BE SOMETHING THAT THAT COMMITTEE WOULD DO
24 BEFORE THEY MAKE AN EVALUATION OF VIDEO IN THE
25 COURTROOM.

1 JUDGE PERRY: WHAT COMMITTEE ARE YOU
2 TALKING ABOUT?

3 MR. HUNT: WHICH COMMITTEE IN THE
4 LEGISLATURE IS HANDLING VIDEO IN THE COURTROOMS,
5 JUDICIAL PROCEEDINGS?

6 MR. FERGUSON: WE ARE REPORTING TO THE
7 CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS, THE
8 RULE MAKING BODY FOR THE COURT OF APPEALS OF
9 MARYLAND, TO DETERMINE HOW COURT REPORTING MAY BE
10 DONE IN THE COURTROOM, AND IF THERE NEEDS TO BE A
11 COST ANALYSIS OF ONE METHOD VERSUS ANOTHER, THAT
12 WOULD BE UP TO THE CIRCUIT ADMINISTRATOR AND THE
13 COUNTY EXECUTIVE BOARD THAT WILL BE FOOTING THE
14 BILL FOR THE CONSTRUCTION OF THE COURTROOM OR
15 COURTHOUSE.

16 MR. HUNT: SO IT IS NOT GOING TO BE A
17 PROCUREMENT, IT IS JUST THAT THEY ARE GOING TO PASS
18 THE LEGISLATION?

19 MR. FERGUSON: IF ANYTHING IS DONE, IT
20 WILL BE BY RULES ADOPTED BY THE MARYLAND COURT OF
21 APPEALS, NOT LEGISLATION. AND OUR ASSIGNMENT IS TO
22 REPORT ON THE QUALITY OF THE DIFFERENT COURT
23 REPORTING METHODS.

24 I DID WANT TO ASK ANOTHER QUESTION.

25 IT IS MY IMPRESSION FROM YOUR REMARKS

1 THAT THE STENOMASK SYSTEM IS ONE THAT PRIMARILY AN
2 AUDIO SYSTEM AND YOU RELY UPON TAPE RECORDING OF
3 THE WITNESSES AS WELL AS SUPER IMPOSING FEEDBACK
4 FROM THE STENOMASK REPORTER; IS THAT RIGHT?

5 MR. HUNT: THERE'S TWO METHODS OF
6 STENOMASK REEPORTING. THERE IS STRICTLY USING ONE
7 TRACK, WHICH IS THE STENOMASK REPORTER, AND THERE
8 IS THE TWO-TRACK SYSTEM WHICH IS VERY POPULAR, IN
9 WHICH YOU ARE USING LIVE MICROPHONES AND
10 TAPE-RECORDING LIVE, AS WELL AS THE STENOMASK
11 RECORD. HOWEVER, WE DO NOT RELY ON THE LIVE MIKE
12 FOR THE RECORD. THE STENOMASK OPERATOR IS THE
13 OFFICIAL RECORD.

14 MR. FERGUSON: IS IT MY UNDERSTANDING
15 THAT FROM YOUR REMARKS CONCERNING A COURT REPORTER
16 BEING PRESENT DURING THE PROCEEDINGS, THAT AN AUDIO
17 SYSTEM, 4-TRACK OR 8-TRACK, OR THE STENOMASK, IS IT
18 MY UNDERSTANDING THAT ONE OF THOSE AUDIO SYSTEMS
19 WOULD BE SATISFACTORY SO LONG AS THERE WAS A COURT
20 REPORTER PRESENT TO MONITOR THE AUDIO OR VIDEO
21 RECORDING LOG THE EVENTS OF THE PROCEEDINGS.

22 MR. HUNT: I THINK YOU ARE APPROACHING
23 PERFECTION, BUT YOU ARE NOT ACHIEVING IT. I STILL
24 THINK YOU NEED A REPORTER TO PRODUCE A RECORD.
25 THERE IS-- THERE ARE LIMITS TO WHAT A TAPE MONITOR

1 CAN DO. PARTICULARLY THE WAY IT IS HANDLED IN THE
2 WASHINGTON, D.C. CONTRACT ENVIRONMENT WITH
3 GOVERNMENT CONTRACTS, WHERE TAPE MONITORS WILL GO
4 IN WITH A TAPE RECORDER AND JOT DOWN NOTES.

5 UNLESS YOU ARE TAKING SHORTHAND 220
6 WORDS PER MINUTE WHEN THAT SYSTEM IS NOT GETTING
7 TESTIMONY, THAT TAPE MONITOR CAN'T REALLY DO
8 ANYTHING ABOUT IT. IT IS THE SYSTEM ITSELF THAT
9 FAILS. IT DOES NOT PICK IT UP, IT DOESN'T HEAR IT
10 BECAUSE OF SWITCHING PROBLEMS, THE MICROPHONE AND
11 CAMERA ARE FOCUSED ON A WRONG INDIVIDUAL. SOMEONE
12 IN THE BACKGROUND IS MAKING AN OBJECTION, THE JUDGE
13 IS MAKING A RULING, BUT YOU ARE WATCHING THE
14 WITNESS THE ENTIRE TIME.

15 MR. FERGUSON: THAT IS A SINGLE TRACK
16 SYSTEM?

17 MR. HUNT: I AM REFERRING TO VIDEO NOW
18 IN ITS PRACTICAL USE THE WAY I HAVE SEEN IT.

19 JUDGE PERRY: MR. HUNT, YOU MAY BE
20 OPERATING ON A WRONG CONCEPTION. THESE ARE NOT
21 VOICE ACTIVATED MIKES, THE MIKES ARE ON ALL THE
22 TIME. IT IS A VOICE ACTIVATED CAMERA. THE
23 MICROPHONES ARE ON ALL THE TIME.

24 ON THOSE, THE TAPES THEMSELVES WHILE
25 THEY ARE BEING USED ON THE JEFFERSON SYSTEM THERE

1 IS NO WAY TO RECORD OVER THE TAPE. THE SLOTS INTO
2 WHICH THEY ARE PLACED WILL NOT PERMIT THAT. THEY
3 WILL NOT REWIND. YOU HAVE TO TAKE IT OUT TO DO
4 THAT.

5 I WOULD ALSO LIKE TO KNOW WHAT KIND OF
6 EQUIPMENT YOU ARE USING TO VIEW THE TAPES YOU ARE
7 VIEWING?

8 MR. HUNT: A STANDARD VCR AND A
9 TELEVISION MONITOR.

10 MR. FERGUSON: WE HAVE LEARNED THAT
11 SOMETIMES A HOME VCR WILL NOT PLAY BACK THE TAPE
12 WITH THE QUALITY, THE SAME QUALITY AS RECORDED ON
13 THE JAVS SYSTEM.

14 THOSE PEOPLE WHO TRANSCRIBE FOR PRINCE
15 GEORGE'S COUNTY AND BALTIMORE CITY ARE USING JAVS
16 EQUIPMENT.

17 MR. HUNT: I UNDERSTAND. I AM FAMILIAR
18 WITH THEIR EQUIPMENT. I DON'T HAVE ANY. I WOULD
19 LIKE TO SEE WHAT THE DIFFERENCE IN THE RECORD IS.
20 FOR THE MOST PART, 95 PERCENT OF IT IS THERE.
21 THERE ARE CERTAIN SITUATIONS WHERE IT IS COMPLETELY
22 DELETED OR VERY BAD, AND THE QUALITY IS INAUDIBLE.

23 JUDGE PERRY: WOULD YOU LIKE TO COME
24 AND SEE IT?

25 MR. HUNT: I WOULD LOVE TO.

1 JUDGE PERRY: ALSO, THERE ISN'T JUST
2 ONE TAPE DONE, AT LEAST TWO ARE DONE, AND BALTIMORE
3 IS DOING THE SAME THING. IT OPERATES FOUR
4 DIFFERENT VCR'S, NOT ONE MACHINE WITH A BUNCH OF
5 SLOTS. AND THE LIKELIHOOD THAT ALL OF THEM ARE
6 GOING TO BE OUT IS VERY, VERY UNLIKELY.

7 ALSO WHEN YOU TALK ABOUT THE SYSTEM NOT
8 PICKING IT UP AND YOU WON'T KNOW THAT, BUT THERE
9 ARE INDICATORS IN FRONT OF YOU AS TO WHETHER OR NOT
10 THE AUDIO AND VIDEO ARE WORKING, THAT CONSISTS OF
11 RED LIGHTS --

12 MR. HUNT: L.E.D.

13 JUDGE PERRY: --FOR THE AUDIO, AND GREEN
14 ONES FOR THE VIDEO, AND WHEN THE LIGHT GOES OUT
15 THERE IS A LOUD SOUND THAT HAPPENS. SO THERE IS AN
16 AUDIBLE SIGNAL.

17 I WOULD LIKE FOR YOU TO SEE IT; I THINK
18 YOU WOULD BE SURPRISED.

19 MR. HUNT: I AM SURE THAT JAVS HAS
20 THOUGHT OF A LOT. THEY JUST HAVE NOT GIVEN IT THE
21 BRAINS THAT IS NECESSARY TO TELL YOU WHEN IT IS NOT
22 GETTING IT.

23 JUDGE PERRY: I AM GLAD YOU ARE GETTING
24 IT, THAT YOU ARE TRANSCRIBING.

25 MR. DANKER: DO YOUR PEOPLE, THE

1 STENOMASK PROGRAM HAVE ANY PROGRAMS FOR TRAINING
2 PEOPLE, OTHER THAN THIS ONE SCHOOL? FOR INSTANCE,
3 IN BALTIMORE CITY THERE WAS A VOID OF COURT
4 REPORTERS. IF THEY HAD SUFFICIENT QUANTITY OF
5 COURT REPORTERS, THIS COMMITTEE WOULD NOT EXIST.

6 MR. HUNT: OTHER THAN THE VANDERSCHMIDT
7 SCHOOL, NO THERE IS NOT. WE ARE WORKING ON OTHER
8 PLACES TO BEGIN OTHER PROGRAMS. UP TO THIS POINT
9 IT HAS BEEN LIKE ONLY IN SOME REGARD SIMILAR TO THE
10 STENO TYPE COMMUNITY. I REMEMBER MY FATHER HIRING
11 TYPISTS WHO TRANSCRIBED DICTATION AND EVENTUALLY
12 BECAME NOTEREADERS... WE OPERATE IN THE SAME MANNER,
13 FIRST TRANSCRIBERS, THEY LEARN THE SYSTEM AND LEARN
14 HOW TO TRANSCRIBE THE STENOMASK REPORTER AND OVER
15 TIME WE TRAIN THEM IN THE USE OF STENOMASK
16 EQUIPMENT.

17 OBVIOUSLY, WHEN YOU ARE REPEATING INTO A
18 MICROPHONE THAT DOES NOT REQUIRE THE DEXTERITY OR
19 SKILL TO DO STENO TYPE.

20 MR. DANKER: I KNOW WHAT IT IS, I HAVE
21 USED IT.

22 MR. HUNT: YOU CAN TRAIN ONE MUCH, MUCH
23 EASIER THAN STENO TYPE.

24 MR. DANKER: I AM INTERESTED IN WHAT IS
25 BEING DONE TO FILL A VOID?

1 MR. HUNT: MOST OF IT IS INHOUSE
2 TRAINING. WE HOPE TO HAVE MORE SCHOOLS ON LINE IN
3 THE NEAR FUTURE.

4 MR. FERGUSON: THANK YOU, MR. HUNT.
5 IS THERE ANYONE ELSE WHO WOULD LIKE TO
6 ADDRESS THE COMMITTEE?

7 WE HAVE RECEIVED WRITTEN COMMENTS FROM
8 OTHER PEOPLE IN LIEU OF PERSONALLY APPEARING
9 TONIGHT.

10 I THANK YOU AGAIN FOR COMING.

11 MR. HUNT, WE APPRECIATE YOUR REMARKS.

12 DID ANYONE HAVE ANY QUESTIONS?

13 OKAY. THANK YOU.

14 (WHEREUPON, AT 6:45 P.M., THE HEARING
15 WAS ADJOURNED)..

16

17

18

19

20

21

22

23

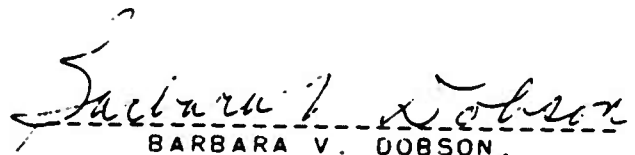
24

25

1 REPORTER'S CERTIFICATE

2 - - - - -
3 I, BARBARA V. DOBSON, AN OFFICIAL COURT
4 REPORTER FOR THE CIRCUIT COURT OF BALTIMORE CITY,
5 APPOINTED PURSUANT TO THE PROVISIONS OF SECTION
6 2-501, COURTS AND JUDICIAL PROCEEDINGS ARTICLE,
7 ANNOTATED CODE OF MARYLAND, DO HEREBY CERTIFY THAT
8 THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF
9 THE PUBLIC HEARING HELD BY THE SELECT EVALUATION
10 COMMITTEE ON COURT REPORTING METHODS ON THE DATE
11 HEREINBEFORE SET FORTH, AND I DO FURTHER CERTIFY
12 THAT THE FOREGOING TRANSCRIPT HAS BEEN PREPARED BY
13 ME OR UNDER MY DIRECTION.

14 IN WITNESS WHEREOF, I HAVE AFFIXED MY
15 SIGNATURE, THIS 6th DAY OF October, 1991.
16
17

18
19 
20 BARBARA V. DOBSON,
21 OFFICIAL COURT REPORTER
22
23
24
25

APPENDIX F
ADMINISTRATIVE PROCEDURES GOVERNING
THE OPERATION OF
THE PILOT SITES

BALTIMORE CITY

**Circuit Court
for
Baltimore City**

111 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

JOSEPH H. H. KAPLAN
ADMINISTRATIVE JUDGE

396-5080
City Court TTY 396-4930

M A N A G E M E N T

O F

V I D E O S Y S T E M S

F O R

C O U R T R E P O R T I N G

October 1991
Susan M. Sheldon, Chief Court Reporter (396-5010)
Barbara V. Dobson, Deputy Chief Court Reporter (396-4713)

CIRCUIT COURT FOR BALTIMORE CITY

MANAGEMENT OF VIDEO SYSTEMS

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CIRCUIT COURT FOR BALTIMORE CITY

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TRAINING ON THE USE OF VIDEO EQUIPMENT

In the Circuit Court for Baltimore City the video systems, consisting of six courtrooms and two hearing rooms, are managed by the office of the Chief Court Reporter. The initial training regarding the operation of these systems was provided by the Jefferson Audio Video Systems technicians.

The Chief Court Reporter and/or her designee will instruct the judges and/or masters on how to operate the video equipment. Typewritten instructions (Appendix 1) concerning basic functions such as how to begin the recording process, the recording of bench and chambers conferences and the playback function will be made available to each judge or master in their respective courtrooms or hearing rooms.

The courtroom clerks will be instructed on how to properly complete the daily log sheets. Also, the clerks must be made aware of the importance of these log sheets for purposes of maintaining accurate records in the event transcription of the tapes become necessary.

An information sheet is to be made available to attorneys and trial participants explaining the video recording process itself as well as information concerning the ordering of transcripts and copies of the video tapes. (Appendix 2).

Occasional spot checks will be conducted in each of the courtrooms and hearing rooms to determine quality of the recordings and the operating habits of individual judges or masters.

LABELING OF VIDEO TAPES

Three video tapes are to be labeled for each participating courtroom and/or hearing room on a daily basis. These tapes will be marked as A, B and COPY.

There are two different pre-printed, permanent-adhesive labels that are to be affixed to each video tape prior to its use. They are the "Standard Language" label and the "Identifying" label.

The precise wording of the "Standard Language" label is to be as indicated below in the sample:

THIS TAPE CONTAINS A RECORD OF CIRCUIT COURT PROCEEDINGS MADE PURSUANT TO MARYLAND RULES OF PROCEDURE 1224A, 1224B AND 8-415, AND IT IS TO BE USED ONLY FOR PURPOSES PERMITTED BY THOSE RULES. THIS TAPE MAY NOT BE USED FOR MEDIA BROADCAST. UNAUTHORIZED USE CAN RESULT IN PENALTIES FOR CONTEMPT OF COURT.

This "Standard Language" label is to be permanently affixed to all video tapes which are recorded in the Circuit Court for Baltimore City. This applies to all tapes that are recorded on the tape decks A through D in the courtrooms as well as any copies produced by the Office of the Chief Court Reporter.

An "Identifying" label is to be affixed to each of the three video tapes used in each courtroom. These labels will be prepared as indicated on the following samples:

IN THE CIRCUIT COURT FOR BALTIMORE CITY		
DATE/PART:	03-27-90 (12)	
JUDGE:	Jos. H. H. Kaplan	DECK: (A) B COPY

IN THE CIRCUIT COURT FOR BALTIMORE CITY		
DATE/PART:	03-27-90 (12)	
JUDGE:	Jos. H. H. Kaplan	DECK: A (B) COPY

IN THE CIRCUIT COURT FOR BALTIMORE CITY		
DATE/PART:	03-27-90 (12)	
JUDGE:	Jos. H. H. Kaplan	DECK: A B (COPY)

Since each Circuit Court has a separate part number which distinguishes it from other courts, the Date/Part number will serve as the identifying number. Sequential numbers will be used when more than one tape is used for a day's proceedings in the same Circuit Court part as illustrated in the following example:

IN THE CIRCUIT COURT FOR BALTIMORE CITY		
DATE/PART:	03-27-90 (12)	#1
JUDGE:	Jos. H. H. Kaplan	DECK: (A) B COPY

IN THE CIRCUIT COURT FOR BALTIMORE CITY		
DATE/PART:	03-27-90 (12)	#2
JUDGE:	Jos. H. H. Kaplan	DECK: (A) B COPY

LOADING/UNLOADING

The Chief Court Reporter or her designee will, each morning, prior to the beginning of court proceedings load at least three properly labeled video cassettes in each participating courtroom or hearing room scheduled to be in session on that day and will leave the corresponding log sheets for the courtroom clerk.

At that time the tapes from the prior day will be collected for filing and storage. The corresponding log sheets will also be collected.

The video tape in the top deck, the "A" tape, will become the official record which will be filed in the office of the Chief Court Reporter. It will be used for duplication where permitted, review or transcription.

The video tape in the second deck, the "B" tape, will be the back-up record and will be stored off-site.

The video tape in the third deck, the "COPY" tape, will be used as the work tape. It may be removed for playback in the bottom player deck. It may then be returned to the third deck without locating the point at which it was interrupted since the "A" and "B" tapes have remained undisturbed. (Note: Only the tape in the third deck may be used for this purpose.)

The fourth cassette deck may be used for simultaneously recording proceedings for parties who have made such arrangements with the Chief Court Reporter's Office.

The bottom deck is the playback unit and will be used for playing the tape from the third deck during the proceedings or for the jury during deliberations. This deck can also be used for the playing of video-taped

depositions, exhibits, testimony or other video-taped material. The material being played on the bottom deck will be simultaneously recorded on the other three or four decks. (Note: The "A" and "B" tapes will always remain undisturbed during both the recording process and/or the playing back process.

There will be at least three new blank video tapes available in each of the video courtrooms and hearing rooms in the event of a late or lengthy court session or any emergency. These new tapes will all contain the "Identifying" and the "Standard Language" labels.

LOGGING

A log sheet (Appendix 3) will be kept by the courtroom clerk, indexing all proceedings recorded on each tape, indicating case name, case number, the time the case is begun and the names of all participating attorneys.

During a trial a separate log (Appendix 4) will also be compiled by the courtroom clerk, indicating various events taking place in the trial, i.e. the jury selection, times witnesses are called to testify, indicating direct and cross-examinations, arguments, verdict, etc.

The log sheets are to be picked up daily along with the video tapes. The original copy of each log sheet is maintained in the office of the Chief Court Reporter. It is placed in a large three-ring binder which is labeled with the judge's name.

When a transcript is ordered a copy of each pertinent log sheet will be provided to the transcriber.

A copy of each log sheet is folded and placed in the box with the corresponding "B" tape for off-site storage.

STORAGE

Video tapes are stored at the point of last usage. There is no need to rewind.

Prior to storing, the record-protection tab is to be removed from each tape to prevent inadvertent recording over.

The original "A" tape will be stored in the Chief Court Reporter's office on sliding wall racks designed specifically for the storage of video tapes, with add-on capabilities. The door to this room is to remain locked when the room is unoccupied.

When a tape is removed from the storage rack a fill-in tape bearing the check-out form (Appendix 5) is to be placed in the vacant space, indicating the whereabouts of the missing tape and assuring that other tapes on that particular shelf do not shift positions.

The duplicate, the "B" tape, along with a copy of the corresponding log sheet will be transported to and will remain in the off-site storage area in the Mitchell Court House, except in extraordinary circumstances which require its return for duplication. If removed from the off-site location, the "B" tape will immediately be duplicated and promptly returned to off-site storage. These "B" tapes are to be kept in locked drawers in a secure room at the off-site location. (Appendix 6)

The working "COPY" tape is to be rewound and re-claimed only as a "COPY" tape. This tape may also be retained by the judge in that particular courtroom.

TRANSCRIPTION

Transcripts produced from video-taped proceedings will be ordered through the office of the Chief Court Reporter, using the order form (Appendix 7) or by written request.

To avoid delays, transcript requests should be handled promptly.

All transcript orders are to be listed (Appendix 8) and assembled for transcription. The "A" tape will be sent to the transcription service along with a copy of the request and a copy of the corresponding log sheet.

Video tapes should be transcribed using equipment designed for that purpose, and the audio portion from a video tape should not be downloaded to audiotape for transcribing.

In accordance with the rules, each page must contain the date and time of the proceeding.

Official court reporters of the Circuit Court for Baltimore City may produce transcripts from video tapes. Otherwise, per agreement, transcription work will be forwarded to Deposition Services, Inc., a Montgomery County-based court reporting company

PAYMENT FOR SHIPPING OF TAPES AND TRANSCRIPTS

All video tapes sent to Deposition Services, Inc., are to be sent by federal Express, using the billing number provided by the transcription service.

All video tapes and transcripts are to be returned at the expense of the transcription service.

TRANSCRIPTION COSTS

There will be no difference in the cost of a transcript ordered from a video tape and a transcript ordered from a court reporter. The cost of an appeal transcript will be \$2.00 for the original and \$0.25 per page for each of the two copies. The full cost of each transcript, appellate or otherwise, will be paid by the ordering party directly to the transcription service.

COPIES OF VIDEO TAPES

In accordance with Maryland Rule 1224B, except by Court Order, a copy of video-taped proceedings or any part requested shall only be made available to a party to the action or the party's attorney.

All such requests must be in writing, using Request Form (Appendix 9) or a signed letter indicating that the requesting party is a party to the action or the party's attorney.

All dubbed copies of tapes must have Circuit Court for Baltimore City "Standard Language" labels (See page 2) affixed.

The cost of each tape is \$20.00, and all checks or money orders must be made payable to the Director of Finance.

HANDLING OF FEES

The only fees collected by the Chief Court Reporter's office will be \$20.00 for each copy of taped proceedings.

A record (Appendix 10) shall be maintained, and all such collections will be promptly submitted to the Administrative Office of the Circuit Court for Baltimore City.

MAINTENANCE

Periodic maintenance and cleaning of the video equipment is to be provided by Jefferson Audio Video Systems on a contractual basis. This maintenance agreement covers all the equipment in the courtrooms and hearing rooms as well as the video transcription units, the reviewing equipment and the dubbing system located in the office of the Chief Court Reporter.

Such maintenance will be performed in accordance with the initial purchase agreement.

Also, any service calls regarding occasional problems with the video equipment will be handled by the J.A.V.S. technicians.

A record of all equipment problems (Appendix 11) will be maintained.

VIEWING OF VIDEO TAPES

Upon request to the Chief Court Reporter's office, video tapes may be viewed only in accordance with Maryland Rule 1224B.

Authorized persons will be escorted to the viewing room by the Chief Court Reporter or her designee. This room is to remain locked while tapes are being viewed, to prevent entry by unauthorized persons.

No tapes are to be left unattended in this room.

INVENTORY

An inventory of video tapes will be maintained in the office of the Chief Court Reporter. This inventory will indicate the number assigned to each individual pack of tapes, the date it was received in the storage room and the date it was removed from storage.

When a new shipment of video tapes arrives each pack of tapes is to be immediately numbered and entered on the inventory sheet. Once numbered, these tapes will be removed from the storage area beginning with the highest number in descending order, thus making it possible to determine the status of the tape inventory at a glance.

The date on which a package of video tapes is removed from the storage room is to be entered on the inventory sheet (Appendix 12) next to the corresponding number.

When re-ordering a supply of video tapes it is important that only high quality tapes be purchased.

TO RECORD:

1. THE SYSTEM HAS BEEN LOADED WITH AT LEAST THREE LABELED TAPES.
2. TAPES IN THE TWO TOP DECKS WILL BECOME THE OFFICIAL RECORD OF PROCEEDINGS, FROM WHICH COPIES WILL BE MADE AND TRANSCRIPTS WILL BE PRODUCED.

THESE TAPES MUST NOT BE REMOVED FROM THE SYSTEM.

3. THE THIRD TAPE IS YOUR "WORK" TAPE AND MAY BE REMOVED FOR PLAYBACK OF EARLIER PROCEEDINGS, AND IT MAY BE RETURNED TO THE THIRD DECK WITHOUT THE NECESSITY OF LOCATING THE POINT AT WHICH IT WAS INTERRUPTED SINCE THE OTHER TWO TAPES HAVE REMAINED UNDISTURBED.
4. TO BEGIN THE RECORDING PROCESS, PUSH BOTH "RECORD" BUTTONS ON THE RECORD CONTROL PANEL.

DO NOT TURN UP VOLUME ON MONITOR.

DO NOT PUSH BUTTONS ON "MONITOR SELECTION" PANEL.

DO NOT TURN PLAYER VOLUME KNOB.

Record:

CHAMBERS

DO NOT INTERRUPT THE RECORDING PROCESS.

1. IF YOU DO NOT WISH TO HAVE THE CHAMBER PROCEEDINGS SEEN OR HEARD IN THE COURTROOM, PUT THE WALL SWITCH ON "MUTE."
2. TO PERMIT CHAMBERS PROCEEDINGS TO BE BROADCAST TO THE COURTROOM, PUT THE WALL SWITCH ON "UNMUTED."

IMPORTANT:

RETURN WALL SWITCH TO "OFF" AT END OF CHAMBERS PROCEEDINGS.

BE SURE RECORDING PROCESS HAS NOT BEEN DISTURBED.

Chambers:

BENCH CONFERENCESDO NOT INTERRUPT THE RECORDING PROCESS.

1. PUT SWITCH ON "MUTE."
(BENCH PROCEEDINGS WILL BE RECORDED
BUT WILL NOT BE HEARD THROUGH SPEAKERS.)
2. RED LIGHT WILL FLASH.
3. CLERK'S MONITOR WILL DROP OUT, BUT
PICTURE WILL REMAIN ON JUDGE'S MONITOR.
4. AT END OF BENCH CONFERENCE, RETURN "MUTE"
SWITCH TO "NORMAL."

IMPORTANT:

COUNSEL SHOULD SPEAK DIRECTLY INTO THE MICROPHONE ON THE
FRONT OF THE JUDGE'S BENCH.

THE COURT SHOULD LEAN FORWARD AND SPEAK DIRECTLY INTO
THE MICROPHONE.

THE SWITCH SHOULD BE MOVED FROM "NORMAL" TO "MUTE" AFTER
THE PARTIES HAVE ARRIVED AT THE BENCH, CAUSING THE MICROPHONE
ON THE FRONT OF THE BENCH TO ACTUATE THE CAMERA BEHIND THE
JUDGE, THUS PERMITTING THE FACES OF THE PARTICIPANTS TO BE
RECORDED.

PLEASE CHECK THE JUDGE'S MONITOR. IF THE BACKS OF THE
PARTICIPANTS ARE SHOWING, WITH SWITCH ON "NORMAL" TAP THE
MICROPHONE ON THE FRONT OF THE BENCH TO DRAW THE CAMERA TO
THE FRONT OF THE SPEAKERS, THEN PUT SWITCH ON "MUTE."

Bench:

HOW CAN I REQUEST COPIES OF THE TAPE? A video tape request form may be obtained from the Chief Court Reporter's Office, Room 244, Courthouse East, 111 N. Calvert Street, Baltimore, Maryland, 21202. Return the completed form to Susan M. Sheldon, Chief Court Reporter, at the same address. A fee of \$20.00 for each tape requested must accompany the form. Your check or money order must be made payable to the Director of Finance. As soon as the copies have been made you will be notified.

Duplicate tapes can be made for parties or their attorneys simultaneously with the court copies. Arrangements should be made with the Chief Court Reporter's Office at least one day in advance if you wish to have a tape made during the proceedings. Only tapes supplied by the Circuit Court will be used in the equipment. A fee of \$20.00 in the form of a check or money order must be made payable to the Director of Finance.

The Circuit Court for Baltimore City does not provide or sell blank video tapes.

The Circuit Court "Standard Language" label will be affixed to all video tapes. Please read it carefully.

DO I STILL NEED A TRANSCRIPT TO APPEAL? Maryland Rule 8-415 requires production of a transcript when video taped matters are appealed. You must request preparation of a transcript in writing, specifying case name, case number, trial date(s) and the name of the presiding judge. Transcripts of video taped proceedings can be ordered through the Chief Court Reporter's Office, Room 244, Courthouse East.

CAN I GET A TRANSCRIPT OF MATTERS NOT APPEALED? Transcripts of matters not on appeal may also be ordered through the procedure outlined above.

WILL TRANSCRIPTS OF VIDEO TAPED PROCEEDINGS COST MORE? No. The cost of a transcript from a taped proceeding will be the same as a transcript produced from the notes of a court reporter of the Circuit Court for Baltimore City.

CAN I LOOK AT THE VIDEO TAPE? Matters may be reviewed by replay of the video tape record. The office of the Chief Court Reporter will schedule a date and time for the replay.

CIRCUIT COURT FOR BALTIMORE CITY

JUDGE:

CASE NUMBER

11/11/2015

Def.

Def.

CIRCUIT COURT FOR BALTIMORE CITY
WITNESS AND EXHIBIT LOG

DATE/PART: _____ CASE NAME: _____

JUDGE: _____ CASE NO.: _____

NAME OF WITNESS	DIRECT	CROSS	REDIRECT	RECROSS

EXHIBIT NUMBER	DESCRIPTION	FOR I.D.	FOR EVD.

ATTORNEYS: _____

[illegible][illegible]

CIRCUIT COURT FOR BALTIMORE CITY
RECORD OF OFF-SITE STORAGE OF VIDEO TAPES

[illegible]

CIRCUIT COURT FOR BALTIMORE CITY

TRANSCRIPT REQUEST
OF VIDEO-TAPED PROCEEDINGS

TO:

Susan M. Sheldon, Chief Court Reporter
Room 244 Courthouse East
111 N. Calvert Street
Baltimore, MD 21202

DATE OF
REQUEST: _____

RE:

CASE NAME: _____

CASE NO.: _____

DATE(S): _____

JUDGE: _____

FOR APPEAL: _____

OTHER: _____

DATE DUE: _____

NO. OF COPIES: _____

REQUESTED BY: _____

BILL TO: NAME: _____

ADDRESS: _____

_____TELEPHONE: _____
_____FOR OFFICE USE ONLY:

TRANSCRIBER: _____

DATE ASSIGNED: _____

VIDEO TAPE NOS.: _____

DATE COMPLETED: _____

PAGES: _____

AMOUNT: _____

[illegible]

CIRCUIT COURT FOR BALTIMORE CITY
REQUEST FOR COPY OF VIDEO CASSETTE

TO: Susan M. Sheldon, Chief Court Reporter
Room 244 Courthouse East
111 N. Calvert Street
Baltimore, MD 21202

DATE OF
REQUEST: _____

RE: CASE NAME: _____
CASE NO.: _____
DATE/PART: _____
JUDGE: _____
TYPE OF PROCEEDING: _____

REQUESTED BY: _____
ADDRESS: _____

TELEPHONE: _____

NOTE: Maryland Rule 1224B provides in part that upon written request, and the payment of reasonable costs, the authorized custodian of an official video tape recording shall make a copy of the recording or any part requested available to a party to the action or the party's attorney..

I HAVE READ THE ABOVE RULE.

I AM AN ATTORNEY/NAMED PARTY IN THIS CASE.

SIGNATURE: _____

FEE: Your check or money order in the amount of \$20.00
for each tape ordered must be made payable to the
Director of Finance.

FOR OFFICE USE ONLY:

DATE COPY TAPE PROVIDED: _____
CHECK NO./MONEY ORDER NO.: _____
AMOUNT: _____

APPENDIX II

RECORD OF EQUIPMENT PROBLEMS

[illegible]

[illegible]

PRINCE GEORGE'S COUNTY

OPERATIONAL PROCEDURES FOR VIDEO TAPE

I. IN COURT PROCEDURES

1. An early morning courtroom check should be made to make sure the system is functioning properly and is in its proper mode for recording.
2. Two or more tapes should be inserted and ready.
3. All bailiffs and courtroom clerks must be trained with regard to:
 - a. The content and application of the Maryland Rules covering videotaped court proceedings.
 - b. Loading, removing, and securing the tapes.
 - c. Operation of the system.
4. In-court monitoring should be done by:
 - a. Random listening with an earphone during court proceedings, particularly if a voice sounds weak.
 - b. Close observance of the audio and video operation indicators on the system.
 - c. Placing upon the record the correct spelling of unusual words or names.
 - d. Occasional checking of monitor to assure that camera view is not blocked and that demonstrative evidence is in camera view.

II. WRITTEN LOG IN A NOTEBOOK FORM WHICH WILL BE IN THE FORMAT OF:

1. Case name and number - time case called
2. Beginning of time for each witness' testimony
 - a. Direct examination
 - b. Cross examination
 - c. Redirect
 - d. End
3. All procedures, with opening and closing times for:
 - a. Jury selection
 - b. Opening Statements and Closing arguments
 - c. Motions hearings
 - d. Verdicts
 - e. Identification of exhibits
 - f. Receiving of exhibits into evidence
 - g. Any important other event

III. DAILY SHEET WILL CONTAIN ALL PROCEDURES AS USUAL AND ADD:

1. Tape number
2. List of exhibits as usual with time admitted
3. List witnesses as usual with time they testify

IV. DOCKET ENTRY WILL CONTAIN:

1. Tape number in addition to or in lieu of court reporter's name.

V. TAPE CARTRIDGE WILL CONTAIN:

1. Tape number on spine and "A" on one and "B" on the other.
2. Dates covered by tape

VI. TAPE BOX WILL CONTAIN:

1. Tape number on spine and "A" on one and "B" on the other.
2. Tape number and date on front.
3. List of all case numbers on face of box.

VIII. SECURITY AND HOUSING FOR TAPES

1. Store tapes in chronological order in two separate, dry, secure areas of limited access which are away from extremes of cold and heat.
2. Requests for videotapes to be approved by written order of the judge who heard the proceedings or the judge assigned to monitor the video project.
3. Requests for access to videotape to be handled in strict compliance with Maryland Rules governing access to the tapes.
4. At least one copy of each videotape is to be secured at all times. Where "A" copy is out for work, the "B" copy must remain secured and inaccessible.
5. Only previously-approved record transcribers are to be given access to the tapes for transcription, unless otherwise ordered by the court.
6. Any required maintenance or adjustments and any problems should be promptly reported to the manufacturer or the manufacturer's authorized designee.
7. Only high-quality, high-fidelity archival quality tapes must be used to record proceedings.
No exceptions.
8. Tapes need not be rewound.
9. Remove tabs from completed tapes to avoid playover.